



Homeland
Security

June 20, 2013

(b)(6)

Worcester, MA 01603

Re: Complaint No. 10-07-ICE-0103

(b)(6)

Dear Ms. (b)(6)

On April 29, 2010, CRCL received your complaint in regard to the administrative arrest at your house of your live-in boyfriend, (b)(6) by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) agents. We apologize for our delayed response.

You alleged that at 6:45am on February 2, 2010, local Worcester, Massachusetts police knocked on the front door of your home and announced themselves. When you opened the door, the Worcester police did not enter your home, but ICE HSI agents who were also present forced their way into your home to serve a warrant of removal on your live-in boyfriend, Mr. (b)(6). You alleged that you asked the HSI agents for identification, but you were ignored. You also alleged that the HSI agents went upstairs to your bedroom, where they found Mr. (b)(6) interrogated him, and searched the bedroom, and that the HSI agents did not let you and your 17-year old son get up from your couch during this time.

Additionally, you alleged that one HSI agent searched your basement without your permission. Finally, in an affidavit that Mr. (b)(6) submitted with your complaint, he stated that as he was being taken in handcuffs from the house to the ICE transport vehicle, he felt compelled to consent to the warrantless search of his car and that upon arrival at the ICE office he was questioned for an hour and a half before he was *Mirandized*.

This Office has completed our investigation into the allegations in your complaint. CRCL was provided an affidavit from one of the HSI special agents (SA) involved. The SA stated that you gave consent for the HSI SAs to enter your home, that Mr. (b)(6) gave permission for the SAs to search the bedroom, and that when you stated that you did not want your house searched anymore, they complied with your request. Further, the SA stated that Mr. (b)(6) gave permission for the SAs to search his car, and that he was *Mirandized* before being questioned when he arrived at the Boston ICE office. Based on the sworn affidavit provided by the ICE SA involved in this matter, we are unable to substantiate the allegations in your complaint, and we are closing it at this time.

However, since we received your complaint, ICE Enforcement and Removal Operations (ERO) has taken over responsibility for serving warrants of removal. CRCL is working with ERO on formalizing policies governing how ERO may serve warrants of removal, including issues relating to consent.

We appreciate you bringing this matter to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If in the future you have concerns relating to civil rights and civil liberties violations by DHS, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at crcl@dhs.gov

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
COMPLAINT WITHOUT RECOMMENDATIONS
CLOSURE MEMORANDUM

To: Jeffrey S. Blumberg
From: (b)(6)
Date: June 24, 2013
Complaint Number: 10-07-ICE-0103
Complainant Name (Alien Number): (b)(6)

Reason(s) for Closure without Recommendations (check all that apply):

- | | |
|---|--|
| ☐ Insufficient information to investigate
☐ Withdrawal of complaint
☐ Lack of jurisdiction
☐ Allegation(s) untimely/overtaken by events
☐ Component and/or facility has already corrected the problem
☒ Allegation(s) against component, individual, and/or facility unfounded or unsubstantiated | ☐ Allegation(s) substantiated but does not warrant recommendations
☐ No finding of detention standards violations
☐ No finding of policy or procedure violations
☐ Complaint added to information layer and closed (linked)
☐ Complaint being handled as part of another related complaint (related)
☐ Other (provide details): |
|---|--|

Complaint Synopsis and Explanation of Closing Rationale:

On April 29, 2010, CRCL received a complaint from U.S. Citizen (b)(6) in regard to the administrative arrest at her house of her live-in boyfriend, (b)(6) by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) agents via a civil administrative ICE I-205 warrant of removal. A warrant of removal differs from a criminal warrant signed by an Article I or Article III judge in that whomever serves the warrant of removal is not authorized to enter one's home absent consent.

In her complaint, Ms. (b)(6) alleged that at 6:45am on February 2, 2010, local Worcester, Massachusetts police knocked on the front door of her home and announced themselves. When she opened the door, the Worcester police did not enter her home, but ICE HSI agents who were also present forced their way into her home to serve a warrant of removal on her live-in boyfriend, Mr. (b)(6). Ms. (b)(6) alleged that she asked the HSI agents for identification, but she was ignored. She alleged that the HSI agents went upstairs to her bedroom, where they found Mr. (b)(6) interrogated him, and searched the bedroom, and that the HSI agents did not let her and her 17-year old son get up from her couch during this time.

Ms. (b)(6) also alleged that one HSI agent searched her basement without her permission. Finally, in an affidavit that Mr. (b)(6) submitted with the complaint, he stated that as he was being taken in handcuffs from the house to the ICE transport vehicle, he felt compelled to consent to the warrantless search of his car and that upon arrival at the ICE office he was questioned for an hour and a half before he was *Mirandized*.

CRCL investigated this complaint, and on December 8, 2010, HSI Special Agent (SA) (b)(6), (b)(7)(C) provided an undated affidavit of his experience serving the warrant of removal on Mr. (b)(6) on February 2, 2010. In his affidavit, SA (b)(6), (b)(7)(C) stated that he asked Ms. (b)(6) for permission to enter her home and she provided consent by saying "ok." SA (b)(6), (b)(7)(C) also stated that Mr. (b)(6) gave him permission to search the bedroom, but when he heard Ms. (b)(6) downstairs say that she did not want anyone to search her house, he ordered all ICE agents to stop searching her house. SA (b)(6), (b)(7)(C) also stated that Mr. (b)(6) gave consent for one of the SAs to search his car. Finally, SA (b)(6), (b)(7)(C) stated that once they arrived at the Boston ICE office, Mr. (b)(6) waived his *Miranda* rights.

Since CRCL received this complaint, HSI has stopped serving warrants of removal; ICE Enforcement and Removal Operations (ERO) has taken over that responsibility. CRCL has received complaints alleging that in serving warrants of removal, ERO has entered individuals' homes without obtaining consent. CRCL is investigating these complaints, and expects to make recommendations to ERO in this regard.

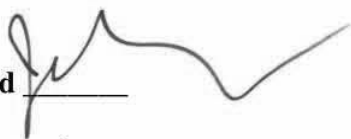
In conclusion, CRCL cannot substantiate the allegations in this complaint because of the conflicting version of events from the complainant and SA (b)(6), (b)(7)(C). Further, CRCL is investigating complaints surrounding the ERO's failure to obtain consent before serving warrants or removal, and will be making recommendations to ERO about this concern. As a result, I recommend that we close this complaint without further action.

Suggested Closure Method(s) (check all that apply):

- | | |
|---|--|
| ☒ Close letter to complainant | ☐ Close email/memo to component |
| ☐ Phone call | ☐ High level component communication |
| ☐ No notification necessary | ☐ Close Memo (No contact information) ¹ |
| ☐ Other (provide details): | |

Comments (optional):

For Completion by Reviewer:

Closure Recommendation Accepted 

Closure Recommendation Not Accepted _____

Further Action Required: _____

¹ Typically this occurs when a complainant has been removed from the United States and no contact information is available.

From: (b)(6) [mailto:(b)(6)]
Sent: Sunday, July 18, 2010 8:13 AM
To: CRCL
Subject: Complaint # 10-07-ICE-0103

To whom this concern:

I, (b)(6) sent a letter of complaint to you office on April 17th 2010 regarding an incident in my home in February. I received a letter on or around June 11th of 2010 confirming that your office received my complaint but have not heard anything else since. I am very interested in finding out if anyone has been assigned to investigate this matter and any recent information. The complaint # is 10-07-ICE-0103 regarding (b)(6). Please feel free to e-mail me at (b)(6); also my home phone number is (508) (b)(6). My home address is (b)(6) in Worcester, Ma. 01603. Thank you in advance for your time, (b)(6).



Homeland Security

June 7, 2010

(b)(6)

Worcester, MA 01603

Re: Complaint No. 10-07-ICE-0103

(b)(6)

Dear (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties received a complaint from you on April 29, 2010. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, this Office has the responsibility to review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS). Pursuant to 6 U.S.C. § 345(a)(6) and internal DHS policies, we initially refer all such complaints to the Office of Inspector General. If the Inspector General declines to accept the complaint, it is returned to this Office for handling or reassignment within the Department.

The issues you raise are very important to us, and we are working to provide a written response describing how we will handle this matter. The information you provided or may provide will be used in accordance with 5 U.S.C. § 552 (Freedom of Information Act), 5 U.S.C. § 552a (Privacy Act), 6 U.S.C. § 345 (Homeland Security Act), 42 U.S.C. § 2000ee-1 (9/11 Commission Act), 44 U.S.C. § 3101 (Federal Records Act) and other relevant federal laws. While we will seek to prevent unnecessary disclosure of the information provided, we may need to share some of this information with relevant persons. Also, we may be required by law or government policy to release information, in whole or in part, to other government agencies, Congress, and other private individuals. Such disclosures may be mandatory under the Privacy Act, the Freedom of Information Act, the Federal Records Act, and other statutes or regulations. When disclosures are made, personal information will be redacted to the extent permissible. A discussion of your rights under the Freedom of Information Act and the Privacy Act can be found at <http://www.pueblo.gsa.gov/call/foia.htm> or in the attached materials.

Please provide us your updated contact information, including a phone number, e-mail, and mailing address. Thank you for your patience in awaiting our response. You may contact this Office by email at ocrcl@dhs.gov or by phone at 1-866-644-8360, 1-866-644-8361 (TTY). For

additional information about the roles and responsibilities of our Office, see <http://www.dhs.gov/civilliberties>.

If you are filing a complaint on behalf of an individual(s), you must provide this Office with expressed written consent from the individual(s), should you wish to receive information about the complaint. Thank you for contacting the Department of Homeland Security's Office for Civil Rights and Civil Liberties.

Director for Review and Compliance
Office for Civil Rights and Civil Liberties

Cop[y/ies] to:

(b)(6)

Plymouth, PA 02360

Enclosure

(b)(6)

44 Minthorne Street

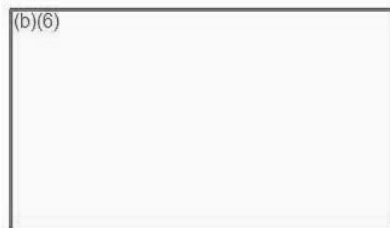
Worcester, Ma. 01603

To whom it may concern:

The following letter is a complaint that I want to file with your department regarding an incident that occurred in my home on February 2, 2010. That morning at 6:45 am I heard a loud noise coming from my living room, I was in my kitchen at the time getting my coffee maker ready so I thought what I heard was my son falling down the stairs. I had just woken him up to get ready for school but we soon realized that it wasn't the case at all but instead was the local police knocking really hard at my door. They identified themselves as the local police and asked me to open my door. I got very worried about the reason the police would be knocking at my door so early in the morning, I have an elderly neighbor who's home had gotten broken into in the months prior so I assumed there might be something wrong with her. I immediately opened my door only to be pushed aside by immigration officers looking for someone in my home, I asked them for i.d only to be ignored as they made their way into my home. They proceeded to go up my stairs and into my room where my fiancé was sleeping. My son was coming down the stairs and also asked the officers what they were doing in our home and all they did to him was grab him from the arm and bring him downstairs with me where they had me sitting and wouldn't let us get up. We insisted on asking what they were doing and if they had permission or a warrant to enter my home with such authority and force and no one would answer us or show us any identification. They had my fiancé upstairs by himself with about 4 officers of "ice" and they had one officer guarding my stairs so that we couldn't go up. I tried to make my way upstairs to find out what was going on and the officer grabbed me and told me to sit, as he was doing this I could hear the other officers questioning my fiancé and heard them searching through my room, I could hear them opening and shutting drawers and moving things around. I told the officer they had no business or permission from me to search my home and to question or hold us hostage in our home without identifying themselves or showing us any warrants or paperwork. As this was taking place another officer

made his way downstairs and past us to search the rest of my home, my son got very upset and followed this officer to our basement where he witnessed him searching through our things there, my son insisted that they showed us i.d or warrants but instead was told that they could do this. At this point myself and my son were feeling very defensless and terrified because we had people in our home doing whatever they wanted with us and we couldn't do anything about it and to add insult to injury we couldn't even call the police because they had used our local police officers to lie for them to have me open my door to let them in. They finally came down with my fiancé handcuffed and all they told us was that they were taking him because they had a warrant for him, when I asked them to show it to me they refused and instead told us to say our goodbyes and took him. I insisted on knowing where they were taking him and all they told me was that he was being taken to the immigration office in Boston. Before the officers left with him I was informed that if I had any information that they can use regarding other people that they would be able to help my fiancé to get him out of trouble. I told them I had no idea what they meant and they left. I felt embarrassed, humiliated and scared that our government would allow this type of behavior from law enforcement officers that are supposed to show an example to our community. I am very afraid now that at any given moment something like this could happen again, and that we are going to be terrorized again and put in fear of our lives like we felt that morning. I don't understand their reason for coming into our home in the first place, we were not in trouble with the law and the only reason why I opened my door in the first place is because I trusted our local police officers and I genuinely believed there really was a problem and that someone needed me.

In conclusion I am also enclosing our contact info to your office as well as a court document on my fiancé and affidavit from myself and my son.



(b)(6)

Our home address is (b)(6) in Worcester, Massachusetts 01603

Our home phone number is (508) (b)(6)

I want to thank you in advance for your attention to this matter and your time.

(b)(6)

**AFFIDAVIT
OF**

(b)(6)

I, (b)(6) detained at Plymouth County Correctional Facility 26 Long Pond Rd Plymouth, MA 02360 being duly sworn and depose state as follows:

1. I am currently under the custody of Immigration Customs and Enforcement (ICE) at the Plymouth County Correctional Facility.
2. On Tuesday, February 02, 2010, ICE entered my home located at (b)(6) Street Worcester, MA 01603 without a warrant. I reside at that address with my US citizen girlfriend, (b)(6) and her US citizen son, (b)(6). I have been residing at that address with them since 2009.
3. It was about 6:45 a.m. or 6:50 a.m. when five ICE officers entered our home. I was still sleeping in our bedroom when they came to the house. Our bedroom is located on the second floor. I was on my underwear when the ICE officers came into my bedroom. I did not open the door for them since I was still sleeping when they arrived. I did not have any identification documents on me when they entered my bedroom. The officers did not identify themselves and told me to get dress.
4. About 5 officers were in my bedroom. I was asked if anyone on the house had firearms or drugs. I responded that there were no firearms or drugs on the house. I was pretty scared and confused about why they were on our property. Nobody showed me any documents stating that they had the right to search or arrest me. The officers appeared to be armed because they were wearing bullet proof gear.
5. I don't speak English very well so it was hard for me to understand them. They searched my pants that were on the sofa. They searched underneath the bed, the closet, and drawers. Underneath our bed they found a sealed box with (b)(6) personal things. They opened the box without her permission. They scattered (b)(6) personal documents on the bed including her pay stubs, medical information, and car insurance.
6. I was intimidated by the manner in which they entered my bedroom which was unexpected, uninvited and aggressively. They confiscated some documents and I was arrested.
7. They asked for my name and they did not advise me my rights before asking me questions or searching my property. They did not advise me that I had the right to see an attorney or refuse to any search. I did not know that I had the right to remain silent. I thought that if I refused to cooperate that things were going to get worst for me. I honestly didn't think I had the right to refuse their orders. I did what I was told to do.

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8. (b)(6) were downstairs while they searched the bedroom. After they were done with the search I was brought downstairs to say goodbye to my family.
9. When we were outside one of the officers asked if they could look inside my vehicle. Again, they did not read me my rights or tell me that I had the right to refuse. They did not tell me that I had the right to speak to an attorney. I didn't think I had a choice to refuse to the search of my vehicle because at that point I was on handcuffs.
10. It was a lot of ICE officers and the manner in which they conducted the arrest was very intimidating. They had already entered my house without my permission and I thought that if I refused they would conduct the search anyway. I was afraid of what would happen to me if I said no. At that point a lot of thoughts were going through my mind. I thought about my family and the fact that they were taking me to jail. I have never been arrested before so to me this was very difficult.
11. They asked (b)(6) for the car keys and searched through my vehicle.
12. None of the officers identified themselves to me. I was never shown any documents allowing them to enter my home or to search through my property.
13. When I was being taken to Boston I asked who turned me in and the officers laugh and said that maybe it was my son. Then they said maybe my girlfriend did it making fun and laughing about it. At that point I felt that I was perhaps targeted due to my race. One of the agents said to me that he could tell that I sold drugs for a living because of the expensive stuff we have in our apartment. The agent said that if he brought his dogs to our apartment that morning that he was convinced that he was going to find drugs. He said that he was told that I was a drug dealer for a living. I told him that I was not a drug dealer and I inquired as to why they didn't get a warrant to enter and search my house. When I made that inquiry nobody responded.
14. I also told the agent that nothing in our house was expensive and that the things we owned belonged to my girlfriend. I said that my girlfriend, (b)(6) has two full time jobs and works for the (b)(6) and as an (b)(6)
15. I was then taken to an Immigration Building and interrogated some more. The interrogation lasted for about three hours and I was taken into different rooms. The officers took their weapons before beginning the interrogation.
16. I did not know that I had the right to see an attorney. They didn't tell me that I had the right to speak to my attorney before beginning the interrogation. I was pretty nervous when I saw them take their weapons. I was in an unfamiliar place

and I didn't know what was going to happen. I didn't have a choice to refuse and I was forced to answer their questions.

17. After I was interrogated for an hour and a half I was explained that I had a right to see an attorney. They had a female translator with them but even though she was translating I was very nervous and signed documents without fully understanding what I was signing. The translator told me that she was from the Dominican Republic and that she was a student.

18. I kept thinking about my family and feared what would happen to me afterwards. They asked me if I wanted to sign my deportation and I requested to see a judge. Afterwards, I was taken to the Plymouth County Correctional Facility.

Signed under the pains and penalty of perjury this 6th day of February in the year 2010.

(b)(6)

2/6/2010
DATE

COMMONWEALTH OF MASSACHUSETTS

Then personally appeared before me (b)(6) and declared the foregoing to be his free act and deed.

(b)(6)

Notary Public

2/6/2010
Date

**AFFIDAVIT
OF**

(b)(6)

I, (b)(6) reside at (b)(6) Worcester, MA 01603 being duly sworn and depose state as follows:

1. I was born on (b)(6) in New York City, NY. I am a United States citizen.
2. I have never been arrested.
3. I am the girlfriend of (b)(6) currently detained at Plymouth House of Corrections under the custody of Immigration and Customs Enforcement (ICE). ICE came to my home located at (b)(6) Worcester, MA 01603 without a warrant to arrest my boyfriend (b)(6).
4. (b)(6) and I have resided together at that address since July of 2009.
5. On the morning of Tuesday, February 02, 2010 at around 6:45 a.m. I woke up to get my son up for school and to get ready for work.
6. While I was in my kitchen getting my coffeemaker ready I heard a noise and I thought that my son, (b)(6) fell down the stairs. I immediately ran toward the stairs only to see my son coming down the stairs and we both asked each other what that noise was. Almost immediately we heard loud knocking at my front door. I heard someone say "Worcester Police open the door."
7. I opened the door a little bit and I got pushed aside by officers from Immigration Customs Enforcement (ICE) who entered my home without permission, without identifying themselves and without a warrant. I knew that the officers worked for ICE because they wore clothes with the name of ICE. I was never told who they were or why they were at my home before their entry. They never showed me any document before entering my home. They never asked my permission before entering my home.
8. About 5 officers entered my home without my consent. One of them was tall and white; one was about my height and white; another one was my height a little bit fat; another one was thin and white; the other one was medium height and with medium built. One or two of the officers was wearing a bullet proof vest and/or gear and I assumed that they were armed.
9. The Worcester Police Officers stayed outside the premises since they did not have a warrant. There were two police officers that stayed outside my home.
10. The ICE officers who entered my home did not identify themselves before or after they entered my home. They also did not show me a warrant before coming in or

when they were inside. They did not explain me why they were at my home before and after they entered despite my numerous requests.

11. After they entered my home, officers from ICE grabbed my son and pulled his arm. I was pushed aside. We were told that "they had seen (b)(6) entered our house and that they needed to talk to him." I knew this was not true because nobody had gone outside my house since it was early morning.
12. My son and I were told to have a seat on my couch. We stayed with one officer in the living room while the rest went up the stairs without my permission. I asked the ICE Officer who stayed with me and my son why they were at my home only to be ignored. I was told to be quiet and to have a seat.
13. My son started getting agitated with the Officer from ICE and he started arguing because he kept ignoring our questions. After a little bit another officer came down and he claimed that for security purposes he wanted to check the house and make sure that nobody was there. My son and I told him that he did not have our permission to search our house. He ignored what we were saying and my son got up from the couch and followed him. The officer went to the basement and searched through my basement. My son told him again to see the warrant and he ignored anything he said. The officer said that he was told that we had a weapon on the house.
14. I was afraid that they were going to arrest my son. At the same time, I was also upset that they were violating our rights and that they refused to tell me why they entered my home without a warrant and they refused to identify themselves.
15. The ICE Officers went upstairs without my consent and they searched all over my bedroom while talking to (b)(6). I couldn't hear too much of what was being said and again asked if I could go upstairs. I was blocked from going upstairs to my bedroom.
16. We asked on several occasions what they were doing at our house and we got no response from anyone. The Worcester Police did not get involved and during all of this they stayed outside my home.
17. About 20 minutes later, after the ICE Officers searched my home without my consent I was told that they were inside my home for (b)(6). They said that (b)(6) was using another name. After they searched my home without permission, they asked me if they could continue searching because they were told that there were weapons in the house. I told them they didn't have permission to search and to leave.
18. The other ICE Officers came down the stairs with (b)(6) and they told us to say goodbye to him and he was taken away.

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19. They never showed us any warrants to search my home or to arrest (b)(6). Once they were outside they asked me for (b)(6) car keys. They said that (b)(6) gave them consent to search his vehicle but I don't know if that was true or not. I asked them where they were taking him and was given an address in Boston that turned out to be an immigration office.
20. I gave one of the officers a piece of paper with my phone number to give to my boyfriend so that he could call me. I wasn't sure if (b)(6) was going to remember my phone number because he usually speed dials my number from his phone and he was not allowed to bring anything with him. The whole ordeal probably lasted about thirty minutes and then they were gone.
21. At about 4: 00 p.m. I received a phone call from an officer and he said that he was Agent (b)(6), (b)(7) and that he was at my home early morning. He said that (b)(6) gave him my number to call me. He said to call him in case I had any information that may be able to help (b)(6). He gave me this phone number to call him 617-(b)(6).
22. After they took (b)(6) I went upstairs to my bedroom and saw that my room was a mess. My personal papers were scattered all over my bed like my pay stubs, my car insurance papers, medical papers from my job. It looked like they went through my filing cabinet and took everything out. Everything under my bed was taken out and opened. I had sealed boxes of shoes, purses and clothes and the boxes were opened without my permission. My closet was open and they searched through my clothing.
23. My son's bedroom was opened and his door was close when he went downstairs. On the basement the officer searched through (b)(6) tool boxes, and behind the shelves.
24. I know that my rights have been violated. I feel disrespected and that they ignored my questions. I was terrified that they could do anything they wanted and that I wouldn't have the opportunity to defend myself. Despite the fact that I told them that I wanted to see a warrant and that they didn't have permission to search, they continued doing it.
25. I feel discriminated because all of the officers were white and we were Hispanic. It seemed that we were being treated like garbage because whatever we said did not matter.

Signed under the pains and penalty of perjury this 12th day of February in the year 2010.

(b)(6)

2-12-10
DATE

COMMONWEALTH OF MASSACHUSETTS

Then personally appeared before me (b)(6) and declared the foregoing to be
~~his free act and deed.~~

(b)(6)

Notary Public

2/12/2010

Date

**AFFIDAVIT
OF**

(b)(6)

I, (b)(6) reside at (b)(6) Worcester, MA 01603 being duly sworn and depose state as follows:

1. I was born on May 08, 1992 in Worcester, MA. I am 17 years old. I am a United States citizen. I have never been arrested.
2. I am the son of (b)(6) who is currently dating (b)(6) (b)(6) is under the custody of Immigration and Customs Enforcement (ICE). (b)(6) and my mother are in a serious relationship and prior to (b)(6) arrest we all resided together at (b)(6) Worcester, MA 01603.
3. On Tuesday, February 2, 2010 I was getting ready for school at around 6:45 a.m. when I heard a loud knock at the door. I went downstairs to see who it was. I saw my mother and she told me she also heard a noise so she thought that I fell down the stairs.
4. As we were talking about the noise we heard the door again. This time we heard "Worcester Police Open Up." My mother opened the door a little bit and she got pushed aside as some officers forced themselves into our home.
5. My mother and I did not give consent for the officers to enter our home. The officers who entered our home did not identify themselves. The Worcester Police Officers stayed outside and only the ICE Officers came in. I knew it was ICE officers because they wore clothes with the name of ICE.
6. After they entered our home, officers from ICE grabbed me and pulled my arm. My mother was pushed aside. They said they saw (b)(6) and asked where he was. My mother and I knew they were lying because we were all asleep before they came in.
7. They told us to have a seat in the living room. I was in shock and I didn't know what was happening. While we were in the living room some officers went upstairs and we could hear them searching our home and going thorough our stuff without our permission.
8. My mother asked them for their names and to see a warrant but they ignored anything she said. They took it upon themselves to search our house without our consent. They even searched our basement without permission. I saw my mother getting scared so I got mad and I started asking the officers "DO YOU HAVE A WARRANT"? They didn't reply so I calmly asked them again "Where is the warrant"? Still there was no response so I told them if they have no warrant they have no right being there and they have to leave. They completely ignored me and still went on with the search. My mother asked them what they were doing and they ignored us once again. So I stood up to get their attention

since I was tired of being ignored and they told me to sit back down and to remove my hands from my pocket.

9. They searched the basement without our consent and I followed them. About 20 minutes later after entering our home and searching the premises one of the officers told my mother that they were there for (b)(6). They never showed us a warrant or identified themselves before or after they entered. They told my mother they were looking for weapons and asked if they could keep searching. I don't know why they asked permission to search at that point because they had already search the home without our consent.

10. There were at least 5-6 officers at our house. Two of them stayed with us and my mom in the living room and the other 3-4 went upstairs to my mother's bedroom. They were upstairs for about 15 minutes or so. When they were leaving they had Jovani in handcuffs. I was very frustrated with what they did because they lied, they pushed my mother, they grabbed me preventing me from doing anything, and ignored us when we asked to see the warrant.

11. As United States citizens my mother and I have some rights that were clearly violated. The Worcester Police stayed outside during this entire thing because they did not have a warrant to enter our home. Obviously there were no weapons because if we had weapons the Worcester Police would have obtained a warrant to enter. ICE did not have a warrant because if they did they would have shown it to us. There is no reason why they wouldn't show a warrant if they had one. It would take them less than 2 seconds to show it. Also, why did they ask my mother to keep searching the house if they had a warrant.

12. In school I was thought that the police may enter a home with a warrant and that I have a right to ask the name of individuals who enter my home. My mother and I were not read any of our rights. We were not even given the opportunity to speak or to get up from the couch. The officers were very intimidating because there were a lot of them and behaved aggressively. When I got up from the couch to defend our rights and property I feared that I was going to be arrested. But I got up anyway because it is my right to protect what is ours. I felt disrespected when ICE ignored the basic questions my mother and I asked. It would have taken them less than 2 minutes to answer any of our questions. ICE Officers demanded that we followed their orders but they did not give us an explanation as to why they were inside our home.

13. After they took (b)(6) one of the officers asked my mother for his car keys. As an American citizen I know that I must have some rights in this country. When someone enters a home I at least have the right to know who they are and why they are there. I have the right to know why my property is being searched.

14. After they left my mother found some of her things scattered in her bed. Our property was searched and moved around without our consent.

Signed under the pains and penalty of perjury this 12th day of February in the year 2010.

(b)(6)

[Redacted Signature]

2/12/2010
DATE

COMMONWEALTH OF MASSACHUSETTS

Then personally appeared before me (b)(6) and declared the foregoing to be her free act and deed.

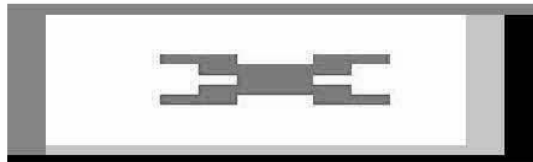
(b)(6)

[Redacted Signature]

Notary Public

2/12/2010
Date

From: (b)(6)@dhs.gov
Sent: Wednesday, June 02, 2010 7:57 AM
To: (b)(6)
Subject: RE: Complaint No. 10-07-ICE-0103



The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) [mailto:(b)(6)@associates.dhs.gov]
Sent: Wednesday, May 26, 2010 4:25 PM
To: (b)(6)
Cc: (b)(6)
Subject: Complaint No. 10-07-ICE-0103

Please Review.

When local police knocked on Ms. (b)(6) door at 6:45am, she opened her door. ICE officers pushed their way in and began searching her drawers, closets, filing cabinets and

rooms. She and her son were made to sit while the search was conducted. No explanation for the search was provided, despite her son's protest. Ms. (b)(6) asked for a warrant and ID, but none were provided. ICE arrested her fiancé, Mr. (b)(6) and told her that if she provided information on other people they would help her get her fiancé out of trouble. She feels discriminated against because they are Hispanic and the ICE officers were white.

ICE asked Mr. (b)(6) if there were firearms or drugs in the house. He told them "no." He was not read his Miranda rights. ICE asked if they could search his vehicle, and he said "yes." ICE told him that they were informed he was a drug dealer. He denied the accusation. When they arrived at the immigration building, the officers took their weapons and interrogated him for three hours. A translator was provided, but Mr. (b)(6) was nervous and states that he did not fully understand the papers that he signed. Mr. (b)(6) is currently at the Plymouth County Correctional Facility

Thank You,

(b)(6)
Review and Compliance Division

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(202) 357-(b)(6) (V)
(202) 401-4708 (F)

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: 10-07-ICE-0103

(b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2014-02-20 16:34	Update	Days to Process	1154	6653	(b)(6)	User Change
DhsComplaint	2010-05-26 17:48	Created	Task		6653		migrated
DhsComplaint	2010-05-26 17:48	Created			6653		migrated
DhsComplaint	2010-05-26 17:48	Edited			6653		migrated
DhsComplaint	2010-05-26 17:48	Edited	Task:Assignment: Assigned matter From (b)(6) To:DHS Due:2010-10-26 17:00:41.547		6653		migrated
DhsComplaint	2010-05-26 17:51	Edited			6653		migrated
DhsComplaint	2010-05-26 17:51	Note Added	Sent to IG:		6653		migrated
DhsComplaint	2010-06-04 16:14	Document Added	Document: RE Complaint No. 10-07-ICE-0103 From IG		6653		migrated
DhsComplaint	2010-06-07 13:00	Document Added	Document: Incoming Complaint- (b)(6)		6653		migrated
DhsComplaint	2010-06-07 13:00	Document Added	Document: Acknowledgement Letter (b)(6)		6653		migrated
DhsComplaint	2010-06-07 13:01	Edited			6653		migrated
DhsComplaint	2010-06-07 13:01	Note Added	From IG:		6653		migrated
DhsComplaint	2010-06-07 13:01	Edited			6653		migrated
DhsComplaint	2010-06-07 13:01	Note Added	To awaiting Recommendation:		6653		migrated
DhsComplaint	2010-07-01 15:02	Note Added	Recommendation (b)(5),(b)(6)		6653		migrated
DhsComplaint	2010-07-01	Edited			6653		migrated

	15:02					
DhsComplaint	2010-07-15 17:22	Edited	Task:Assignment: Assigned matter From: (b)(6) (b)(6) To: (b)(6) Due:2010-10-26 17:00:41.0		6653	migrated
DhsComplaint	2010-07-15 17:22	Note Added	Approved (to Back From Officer):Approved.		6653	migrated
DhsComplaint	2010-07-15 17:22	Edited			6653	migrated
DhsComplaint	2010-09-03 10:01	Document Added	Document: 7 18 2010 (b)(6) email		6653	migrated
DhsComplaint	2010-09-29 13:54	Create	From Matters	migration	6653	migration
DhsComplaint	2012-07-17 12:22	Update	Days to Process	810	6653	User Change
DhsComplaint	2012-07-17 12:22	Update	Complaint Group Listing	(b)(5)	6653	User Change
DhsComplaintAction	2013-06-26 09:56	Create	Action	Closed - Short Form/No Further Action	110653	User Change
DhsComplaintAction	2013-06-26 09:56	Create	Reporting Summary	The complainant alleged that at 6:45am on February 2, 2010, Worcester, Massachusetts police knocked on the front door of her home and announced themselves. When she opened the door, the Worcester police did not enter her home, but ICE HSI agents who wer	110653	User Change
DhsComplaintAction	2013-06-26 09:56	Create	Action Date	06/26/2013	110653	User Change
DhsComplaintAction	2013-06-26 09:56	Create	Document	10-07-ICE-0103 close memo FINAL.pdf	110653	User Change
DhsComplaintAction	2013-06-26 09:56	Create	Internal Summary	The complainant alleged that at 6:45am on February 2, 2010, Worcester, Massachusetts police knocked on the front door of her home and announced themselves. When she opened the door, the Worcester police did not enter her home, but ICE HSI agents who wer	110653	User Change

DhsComplaintAction	2011-02-03 14:00	Create	Action Date	02/03/2011	103340	(b)(6)	User Change
DhsComplaintAction	2011-02-03 14:00	Create	Action	Short Form	103340		User Change
DhsComplaintDocument	2013-07-30 11:01	Create	Foreign Language	No	91565		User Change
DhsComplaintDocument	2013-07-30 11:01	Create	Document 1	07.01.2013 RTS (b)(6) pdf	91565		User Change
DhsComplaintDocument	2013-07-30 11:01	Create	Dateentered	07/30/2013	91565		User Change
DhsComplaintDocument	2013-07-30 11:01	Create	Comments	Letter to (b)(6) (b)(6) returned on 07.01.2013.	91565		User Change
DhsComplaintDocument	2013-07-30 11:01	Create	Document Type	Incoming Letter	91565		User Change
DhsComplaintDocument	2013-06-26 09:51	Create	Document 1	10-07-ICE-0103 close letter FINAL.pdf	91110		User Change
DhsComplaintDocument	2013-06-26 09:51	Create	Document 2	10-07-ICE-0103 close memo FINAL.pdf	91110		User Change
DhsComplaintDocument	2013-06-26 09:51	Create	Foreign Language	No	91110		User Change
DhsComplaintDocument	2013-06-26 09:51	Create	Dateentered	06/26/2013	91110		User Change
DhsComplaintDocument	2013-06-26 09:51	Create	Document Type	Closed Letter	91110		User Change
DhsComplaintIssue	2012-07-17 12:23	Update	Incident Location	Residence	12218		User Change
DhsComplaintIssue	2012-07-17 12:23	Update	Incident Location Type	Residence	12218		User Change
DhsComplaintIssue	2011-08-12 13:36	Update	Color		12218		User Change
DhsComplaintIssue	2011-08-12 13:36	Update	Race		12218		User Change
DhsComplaintIssue	2011-08-12 13:36	Update	(b)(5)	(b)(5)	12218		User Change
DhsComplaintIssue	2011-08-12 13:36	Update	Religion		12218		User Change
DhsComplaintIssue	2011-08-12 13:36	Update	Situation	DHS law enforcement activity	12218		User Change
DhsComplaintIssue	2011-08-12 13:36	Update	Sex		12218		User Change

DhsComplaintIssue	2011-03-17 09:48	Update	Incident Location Type		12218	(b)(6)	User Change
DhsComplaintIssue	2011-03-17 09:48	Update	Other Issue		12218		User Change
DhsComplaintIssue	2011-03-17 09:48	Update	Comments	07/01/2010: Recommendation (b)(5),(b)(6) 07/14/2010: Approved (to Back From Officer):Approved. RECOMMENDATION: (b)(5),(b)(6) LETTER ON BEHALF OF: (b)(6) REC	12218		User Change
DhsComplaintIssue	2011-03-17 09:48	Update	Disability		12218		User Change
DhsComplaintIssue	2011-03-17 09:48	Update	Redirect to Subject	No	12218		User Change
DhsComplaintIssue	2011-03-17 09:48	Update	National Origin	Hispanic	12218		User Change
DhsComplaintIssue	2011-03-17 09:48	Update	(b)(5)	(b)(5)	12218		User Change

DECLARATION OF (b)(6)

1. My name is (b)(6). I am a lawful permanent resident of the United States. I reside at (b)(6) in Florida City, Florida. I speak Spanish but not very much English.
2. I am married to (b)(6) and I have four boys, (b)(6).
(b)(6)
(b)(6) All four boys were born in the United States.
3. (b)(6) suffers from glaucoma, with the left eye being worse and the right one only beginning to have problems. He had been getting treatment to control it, and the treatment was going well.
4. On Thursday, April 15, 2010, (b)(6) injured his right eye at work when something burst and flew into his eye. The next day his eye was all bloody, and over the weekend, he only got worse. (b)(6) stayed in bed in a lot of pain, and he couldn't see anymore.
5. But Monday, April 19, 2010, (b)(6) had gotten extremely pale and started vomiting. He was having cold sweats, and he couldn't take the pain any more. He was pressing against his head trying to stop the pain. We had an appointment for the doctor scheduled for April 21, but I told him it couldn't wait. I took (b)(6) to Homestead Hospital. From there, (b)(6) was taken to the Bascom Palmer Eye Institute in Miami.
6. At Bascom Palmer, the doctors tried to lower the pressure in (b)(6) right eye. They were concerned though because pressure wasn't coming down. They gave him an injection to see if that would help and told us to come back the next day.
7. On Tuesday, April 20, 2010, we went back to Bascom Palmer but the doctors found that the pressure in the right eye hadn't gone down. So the doctor said he would have to have surgery. They told us that part of his eye was broken, that there was bleeding inside, and that they would have to put a tube in the eye. While we were there, a co-worker called to see how (b)(6) was, and then (b)(6) one of the (b)(6) called.
8. On Wednesday, April 21, 2010, we went back to Bascom Palmer for (b)(6) surgery. I called (b)(6) to let her know what was happening, I told her we were in the hospital for the surgery and that he was no longer able to see because of the accident. (b)(6) said she was sorry and told me to call her back once we got home. But when we got home I was so tired I forgot to call.
9. On Tuesday, April 27, 2010, (b)(6) went back to Bascom Palmer for a follow-up. While I was in line, (b)(6) were sitting in a waiting room. (b)(6) got a call from one co-worker, and they passed around the phone so he ended up talking to several of his co-workers. (b)(6) told me that one of them said to him that the employer was shit, and that he needed to be careful because the owners were investigating what happened.

10. On Wednesday, April 28, 2010, around 10:55 AM, (b)(6) and I were at home. (b)(6) got a call from (b)(6) the other owner where he works. He handed me the phone so that I could give (b)(6) our home address because (b)(6) said he wanted to see (b)(6) personally. (b)(6) told me that he thought (b)(6) voice sounded a little strange. But they had a good relationship so I didn't think much of it.
11. (b)(6) and I went outside to wait for (b)(6) but he never came. While we were waiting, (b)(6) came home from school. His school goes from 7:15 to 11:15. He asked why we were outside, and I told him we were waiting for (b)(6). We all went back in the house. We had already waiting 10 or 15 minutes, and I didn't want (b)(6) out there in the heat because it made his eye worse. So I put (b)(6) back in bed.
12. Then (b)(6) got another call. He told me that someone was calling and saying they were outside the house, and to come out. I looked but told (b)(6) there was no one there. I got on the phone and asked the caller who he was, but he didn't say; he just asked to confirm my address. The caller asked me if our address was on (b)(6). I said, no it's (b)(6). And then he hung up.
13. I wondered why he hung up, so I called the number back. There was no answer. Instead, a voicemail message said that it was immigration. I hung up the phone. I thought maybe it was a mistake, so I asked (b)(6) to try the number.
14. (b)(6) went outside to try the call and see who was outside the house, and I went with him and sat down on the porch. When (b)(6) called someone answered. But the caller told him it was a wrong number.
15. Then two cars pulled up to the house, with four ICE male officers dressed in black with ICE vests on.
16. The officers got out of the cars. They did not identify or introduce themselves. They did not say they had a search warrant or an arrest warrant. One of the officers just said to me in Spanish that they were looking for (b)(6) and what was my relationship to him. The officer said they were just doing an investigation.
17. Then another one of the officers told (b)(6) to take his hands out of his pockets. At first he didn't do it, saying that he hadn't done anything wrong. The officer then asked him for ID. (b)(6) gave his driver's license. The officer asked him if he had been arrested, and he said no. The officer also asked if he was a U.S. citizen, and he said yes. Then they went and looked at the plates on our car. The officers started speaking English among themselves.
18. The officers then started to spread out around the house. (b)(6) and I stayed outside.

19. Around this time, the two ladies from the rental office, (b)(6) arrived and introduced themselves to the officers. They tried to get (b)(6) who sometimes helps them out after school, to go with them back to the office. They started to walk him back to their car.
20. But before the ladies could take (b)(6) away, two more officers arrived in one car. One was dressed in a black uniform and the other was dressed in a dark green uniform. They came toward me aggressively.
21. The officer in black spoke to me in Spanish, sounding angry, and addressing me with some kind of contempt. He said, "Now we're here, and I'm going into your house whether you want to or not." He was sticking out his chest, and acting like he was a big deal. He did not introduce himself, he did not say where he was from.
22. Then he said, "do you have permission to be in this country?" I said, yes. He said, "what do you have?" I said, residency. My card was in my purse in the car, so I was going to go inside the house to get my car keys. But as I took a step toward the house, the officer yelled, "don't move, because right now everyone without papers is about to be arrested."
23. The officer in green was saying things too but I didn't understand him.
24. Then I heard (b)(6) yell to the officers not to scream at his mother. He said, "just because you're wearing a uniform doesn't give you the right to scream at people." He yelled an obscenity at the officer.
25. The officer in black stayed with me as I was trying to be able to get my papers, and the officer in green turned and asked Walter who he was.
26. Before I knew it, I saw the officer in green choking my son. I saw he had him over the car. I screamed, "please, let him go, he's a minor!" "Speak to me, I'm his mother." I tried to go toward where Walter was, but the officer in black said get away from there, and held me back.
27. I was screaming, crying, I couldn't believe what was happening.
28. Then one of the first officers who had come said to me that if (b)(6) is here, it was better to tell him. So I said, yes, he's here. But he's sick. He's blind.
29. The officer said, we know the condition he's in.
30. Then my husband came to the door and asked "what was going on, what's going on." I put my arm around him and told him, it's immigration.
31. He told them to do whatever they wanted with him.

32. I was crying. He said to me, "Don't cry. Find a lawyer."
33. The same officer then said "there's the one we're looking for."
34. I told the officer that (b)(6) needed medicine and drops, and the officer told me to give it to him. I went back into the house to get the medicine.
35. I brought back the Tylenol (b)(6) was taking for the pain and the drops.
36. The officer said that no, (b)(6) can't have the Tylenol, but that he could have the drops. So I gave (b)(6) 2 Tylenol to take then and there. I begged the officer to please give (b)(6) the drops, that they're different, he needs some four times a day, some are three times a day, others two times. And I gave them the pills he has to take for the eye pressure.
37. Then the two officers that had been so abusive came back with me into the house. The one in black asked if I spoke English, I said no. He said then that he was going to translate what the other officer in green said.
38. So then the officer who was translating said to me in Spanish, "m'am you know that (b)(6) has a deportation order? So we are going to detain him." Then he said, "And that piece of shit (b)(6) he should thank god he was born in the United States, that piece of shit. Because neither you nor the dad have a right to be in this country."
39. Then he said "you know, that piece of shit (b)(6) is going to be arrested today. And I guarantee that 3 black men will rape him in jail tonight, and that they are already waiting for him." And I said, but why? The officer said, "because he thinks he's a gangster, and that's what happens to them when they go to jail." As they were saying this too me, the officers spoke in a normal tone of voice. But they looked like they were enjoying it, like they were taking pleasure in scaring me.
40. I was crying, tearful, pleading for them not to take him, that he's not a bad kid, he studies, he helps us, he works.
41. I said, if he said something wrong, please excuse him. I told them that he was just nervous because of his dad's health condition.
42. But then the officer in green repeated to me in broken Spanish, "(b)(6) . . . piece of shit . . . I guarantee . . . raped." I felt my heart fail me. The officers said this at least 2 and maybe 3 times, as if they were trying to provoke me. It was the last thing they said to me.
43. While this was happening, one or more of the other officers came in and turned on the lights and searched all the closets. They didn't say anything to me.
44. I was terrified. I feared for my son's safety. I was also scared for (b)(6) safety because of his medical condition. When they took him away sick as he was, I thought he was going to die there.

45. Several Miami-Dade police cars had now pulled up to the house. I saw the officer in green go over to (b)(6) who was now on the floor and handcuffed at the front of the house, and say something to him. Then I saw that officer throw (b)(6) keys at his feet, as if to humiliate him.
46. He didn't even have the decency to hand the keys back to (b)(6) had handed them to him. When (b)(6) got up, I put my arm around him.
47. After they took (b)(6) away, some of the immigration officers stayed nearby. (b)(6) and I went back in the house. Later (b)(6) came back and took us to the office so we would not be alone.
48. After that day, (b)(6) began having nightmares, and a previous paralysis condition he'd had in his face returned temporarily. (b)(6) also has had trouble sleeping, and lost his appetite. I have been having chest pains, and feel very nervous. I've not been sleeping well. I don't really like to go out anymore. For a while I didn't even go to church, even though one of my sons sings in the choir.
49. When I remember what happened, I just cry. I wonder if they will come again. I used to have respect for the police, but now I'm just scared anytime I see them. I never thought something like this would happen. I don't feel safe anymore, not even in my house.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

(b)(6)

06-30-2010
Date

DECLARATION OF (b)(6)

1. My name is (b)(6) I am (b)(6) at the Everglades Housing Group in Homestead, Florida.
2. After (b)(6) one of our tenants, was arrested by ICE, I drove over to the family's house. I saw (b)(6) sitting in front of his house, and I gave him a hug.
3. About a block away, by a park, I saw four officers: a border patrol agent, (b)(6),(b)(7)(C) (who later gave me his card), and two other ICE officers. I drove over to them and parked where they were. I got out of my car and asked to speak to the person in charge. A tall officer said, "go back to your car and wait there, he's on the phone," so I did.
4. Then all 4 officers came toward me. The officers were laughing and cursing among themselves.
5. (b)(6),(b)(7)(C) came to me first and talked to me through my car window. I told him I was in charge there and that I knew there had been an incident, and that I needed to make a report. I told him I wanted to know what happened.
6. Mr. (b)(6),(b)(7)(C) said "nothing happened here." He said, "We had a warrant and it's been taken care of." I said, "to you it's nothing, but to me it's important to do a report of what happened."
7. Then he said, "You don't know the people you have living here. He (meaning (b)(6)) has a criminal record, he's not the person you think he is." I told him he's been a good citizen the whole time he's lived here.
8. The border patrol agent asked to see my ID. I took out my driver's license and held it up for him. My hand was shaking.
9. Mr. (b)(6),(b)(7)(C) said, "I want you to know that we were a little rough with the family."
10. Then the border patrol agent said, "that kid there needs to be educated a little better."
11. I was upset by this, and told them, "I've known (b)(6) for 16 years, and I've never had a problem. He's a wonderful kid."
12. The border patrol agent then said, "Did you know he had a knife in his pocket?"
13. I said, no, because I hadn't heard that. Later the ladies in the office told me it was not true, that (b)(6) only had his keys.
14. The border patrol agent said, "Well, you should have seen the way he behaved with us."

15. I said, "I don't doubt it. How would you react if they were taking your father away and talking down to your mother?"
16. Then I said to them, "If you are done and you don't mind, I would appreciate it if you left the property."
17. They laughed, and one of the officers said, "I guess we're intimidating people." And they all laughed.
18. I left and went back to the office. I felt powerless. I was trembling all day.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

(b)(6)

6-30-10
Date

DECLARATION OF (b)(6)

1. My name is (b)(6) I am a (b)(6) for the Everglades Housing Group. I have been working at this office for about two years. Before that, I worked for the Homestead Housing Authority in South Dade County.
2. On April 28, 2010, I went with my co-worker (b)(6) to the house of (b)(6) (b)(6) after (b)(6) got a call saying the police were there.
3. When we got to the house, we saw (b)(6) minivan parked in front. Next to her van to the right was a black jeep that was parked at an angle. There were also 1 or 2 other cars parked in front of the house next to (b)(6) that belonged to ICE. None of the ICE vehicles were marked. (b)(6) parked to the right of the black jeep.
4. I saw (b)(6) standing on her porch with her sixteen-year-old son, (b)(6) There were 4 male ICE agents by the house, all dressed in black bullet proof vests.
5. (b)(6) and I walked up to two of the officers and identified ourselves as rental office staff. The officers did not identify or introduce themselves to us. They just said they were there to pick up the person in the house, and asked what police jurisdiction we were in. They said they wanted back up because (b)(6) was not letting them in the house.
6. (b)(6) and I called (b)(6) over to persuade him to come back to the office with us. I asked the ICE officers if it wouldn't be a good idea to take (b)(6) away. One of the ICE officers asked, "to the office?" And I said, "yes." The ICE officers said it was okay.
7. At first it seemed (b)(6) wanted to stay with his mom, but we convinced him to come over to us.
8. (b)(6) and I then walked over to (b)(6) car. I went over to the passenger side, while (b)(6) were on the driver's side.
9. During this time, the 4 ICE officers had started to spread out, like they were surrounding the house. Only a few minutes had passed.
10. Before we could go anywhere, another unmarked car pulled up in front of the house and parked perpendicularly behind the ICE jeep. It was a Black Ford Sedan, license plate (b)(6), (b)(7) There were two men in the car. One was with border patrol, dressed in a dark green uniform. The other was an ICE Officer.
11. The border patrol agent got out of the car and headed toward (b)(6) passing by her minivan instead of where (b)(6) car was. There other ICE officer was there too.

12. The border patrol agent looked white and spoke to (b)(6) in broken Spanish. He was very tall, maybe 6'1", and appeared to be in his 50s. He had a muscular build, a brown mustache and yellowed teeth. He was loud and aggressive.
13. He barked to (b)(6) "Do you know who I am?!" She did not respond. Then he said, "I had a long drive and I'm very upset, and I want you to know that you have a criminal in he house!" He was yelling at (b)(6)
14. He asked her what her immigration status was. She said she was a resident, and he demanded to see her ID. When (b)(6) said her ID was in her purse in her car, the border patrol agent demanded to know why.
15. Several times I heard the border patrol agent made a point of saying he was from Brooklyn, as if to show just how tough he was.
16. The ICE officer yelled, "Do you know that that piece of shit in your house is a criminal?!" He was shorter than the border patrol agent and looked Hispanic, maybe in his 30s or 40s.
17. (b)(6) got very upset and said to the officers, "you don't have to yell at my mom. You don't have a right to treat her like that just because you have a uniform on." (b)(6) has darker skin and looks Hispanic.
18. At that point, the border patrol agent walked over to (b)(6) who was still on the passenger side of (b)(6) car. As (b)(6) turned to face him, the border patrol agent got in his way, and basically made (b)(6) bump into him. The agent then screamed, "you touched me! You touched me!" The border patrol agent then started to yell, "he has to be arrested!" "Resisting! Resisting!" Then he yelled, "Do you know who I am?!" The agent was cursing.
19. The border patrol agent grabbed (b)(6) by the neck and slammed him on the back of (b)(6) car, around the trunk. I saw that one of the ICE agents looked horrified. (b)(6) said, "You don't have to do that! You don't have to treat me like that! No one is resisting!" (b)(6) cursed at the officer and told him, "I have the same rights that you do!"
20. After slamming him on the car, the border patrol agent then demanded to know (b)(6) immigration status. (b)(6) told the agent he didn't need to know because the other officers had already checked him.
21. The border patrol agent then turned (b)(6) around to handcuff him. He asked (b)(6) if he had any sharp objects on him, and (b)(6) said, no, just his keys.

22. By this time, the other ICE officers had come back around to the front of the house. One of the other ICE officers patted (b)(6) down and took keys out of his pocket. One of them also told the border patrol agent that Walter is a U.S. Citizen.
23. Then the border patrol agent turned to (b)(6) and said, "who are you?!" He was still yelling. He asked her what her status was, where she was born. When she said she was a U.S. Citizen, he demanded to see her ID. When she said she had left it in the office, he yelled that he'd have her arrested for driving without it even though we were still on the housing property.
24. (b)(6) was getting upset from how he was acting, so I tried to keep her calm.
25. After questioning (b)(6) the border patrol agent turned to me and asked where I was born too. I told him, Puerto Rico.
26. We had been at the house for about 40 minutes. Throughout all this, (b)(6) looked very scared, and she was crying a lot. She seemed very concerned about (b)(6).
27. I have never seen anything like this in my life. When I was working in South-Dade, a couple of times ICE also came there to arrest someone. But it was never like this.
28. The ICE officer said they had a warrant, but they never showed anyone any papers.
29. I never thought that law enforcement could behave like this.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

(b)(6)

6/30/14
Date

DECLARATION OF (b)(6)

1. My name is (b)(6) I am a (b)(6) at the Everglades Housing Group in Homestead, Florida. I have worked at that office for about eight years.
2. For as long as I can remember, (b)(6) and their children have lived on our property.
3. (b)(6) sixteen-year-old son, is a great kid. He works part-time at our office, and also works in car washes to help the family. (b)(6) is a quiet kid, when he has a problem he asks for advice.
4. On Wednesday, April 28, 2010, I was at work. Around 12 PM, I was getting ready to go out for lunch. At 12:10 PM, I received a call saying that the feds were at (b)(6) house. I assumed that meant the police but I couldn't imagine what it was about.
5. (b)(6) and I got into my car and drove over to (b)(6) house, which is about a quarter mile away from the office, to find out what was happening.
6. When we got to the house, we saw (b)(6) minivan parked in front. Next to her van to the right was a black jeep that was parked at an angle, rather than straight in, where I saw an ICE agent sitting and looking at a computer. There were also 1 or 2 other cars parked in front of the house next to (b)(6) that belonged to ICE. None of the ICE vehicles were marked. I pulled up and parked to the right of the black jeep.
7. I saw (b)(6) standing on her porch with her sixteen-year-old son, (b)(6) There were 4 male ICE agents by the house, all dressed in black bullet proof vests.
8. (b)(6) and I walked up to two of the officers and identified ourselves as rental office staff. The officers did not identify or introduce themselves to us. They just said they were there to pick up the person in the house.
9. One of the ICE officers asked what police jurisdiction we were in and I answered, Miami-Dade. I asked why they wanted to know. The same officer said that (b)(6) was not allowing them into the house. He said they wanted "back up" because (b)(6) wasn't letting them in.
10. (b)(6) and I called (b)(6) over to my car to persuade him to come to the office with us. We figured it would be best to remove him from the situation. Dalila asked the ICE officers if it wouldn't be a good idea to take (b)(6) away. One of the ICE officers asked, "to the office?" And (b)(6) said, "yes." The ICE officers said it was okay.
11. At first it seemed (b)(6) wanted to stay with his mom, but we convinced him to come over to us.

12. (b)(6) and I then walked over to my car. (b)(6) went over to the passenger side, while (b)(6) and I were on the driver's side. He was going to sit behind me, but I told him he should go over to the other side because I had the child seat in the seat behind me.
13. During this time, the 4 ICE officers had started to spread out, like they were surrounding the house. Only a few minutes had passed.
14. Before we could go anywhere, another unmarked car pulled up in front of the house and parked perpendicularly behind the ICE jeep. It was a Black Ford Sedan, license plate (b)(6), (b)(7)(C). There were two men in the car. One was with border patrol, dressed in a dark green uniform. The other one was with ICE.
15. The border patrol agent got out of the car and headed toward (b)(6) passing by her minivan instead of where my car was. The other ICE officer was there too.
16. The border patrol agent looked white and spoke to (b)(6) in broken Spanish. He was very tall, maybe 6'1", and appeared to be in his 50s. He had a muscular build, a brown mustache and yellowed teeth. He was loud and aggressive.
17. He asked what her immigration status was. She said she was a resident, and he demanded to see her ID. When (b)(6) said her ID was in her purse in her car, the border patrol agent demanded to know why.
18. Several times I heard the border patrol agent made a point of saying he was from Brooklyn, as if to show just how tough he was.
19. The ICE officer yelled, "Do you know that that piece of shit in your house is a criminal?!" He was shorter than the border patrol agent and looked Hispanic, maybe in his 30s or 40s.
20. (b)(6) got very upset and said to the officers, "you don't have to yell at my mom. You don't have a right to treat her like that just because you have a uniform on." Walter has darker skin and looks Hispanic.
21. At that point, the border patrol agent walked over to (b)(6) who was still on the passenger side of my car. As (b)(6) turned to face him, the border patrol agent got in his way, and basically made (b)(6) bump into him. The agent then screamed, "you touched me! You touched me!" The border patrol agent then started to yell, "he has to be arrested!" "Resisting! Resisting!" Then he yelled, "Do you know who I am?!" The agent was cursing.

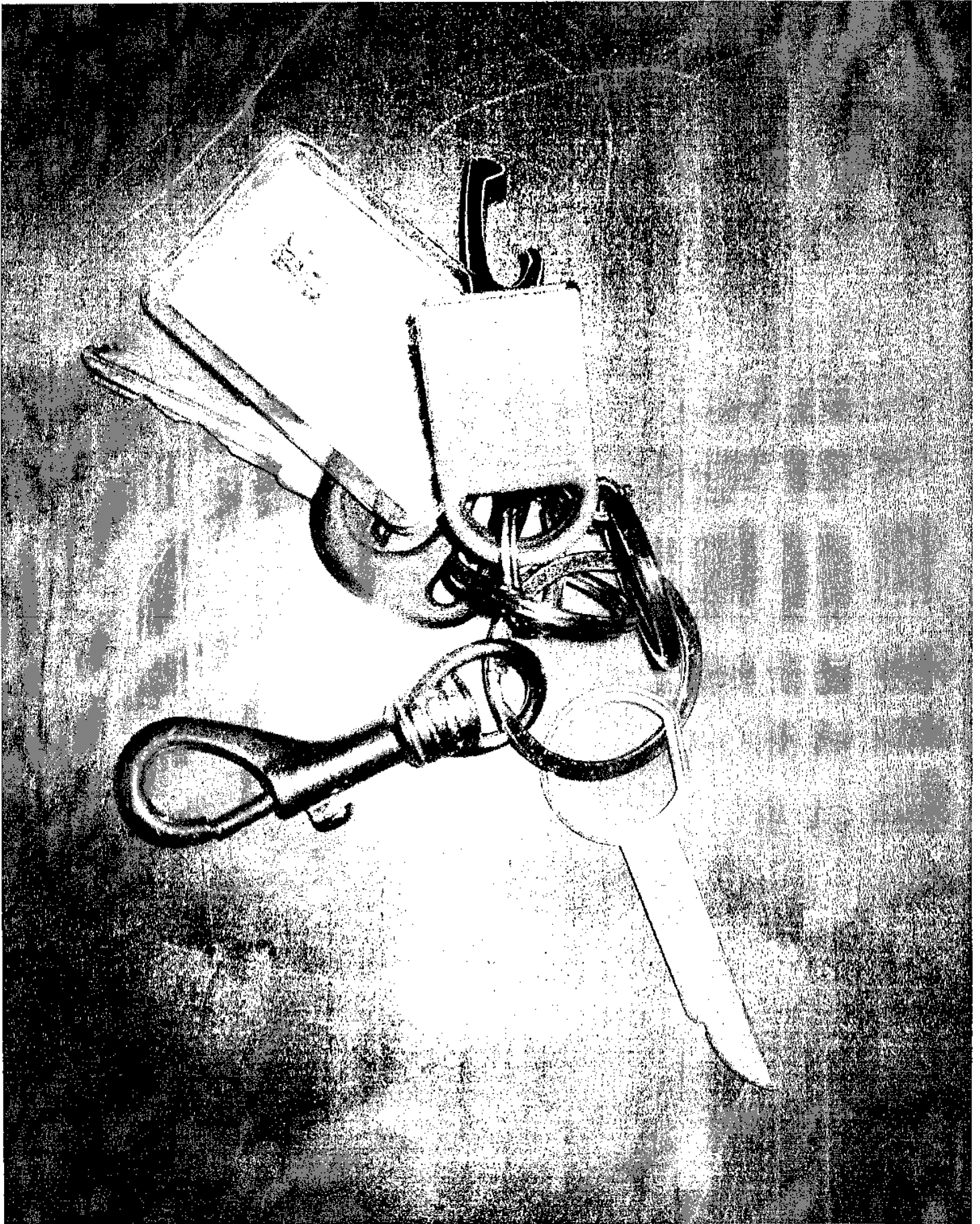
22. The border patrol agent grabbed (b)(6) by the neck and slammed him on the back of my car, around the trunk. (b)(6) then said, "You don't have to do that! You don't have to treat me like that! No one is resisting!" (b)(6) cursed at the officer and told him, "I have the same rights that you do!"
23. After slamming him on the car, the border patrol agent demanded to know (b)(6) immigration status. (b)(6) told the agent he didn't need to know because the other officers had already checked him.
24. The border patrol agent then turned (b)(6) around to handcuff him. He asked (b)(6) if he had any sharp objects on him, and (b)(6) said, no, just his keys.
25. By this time, the other ICE officers had come back around to the front of the house. One of the other ICE officers patted (b)(6) down and took keys out of his pocket. One of them also told the border patrol agent that Walter is a U.S. Citizen.
26. I was telling to (b)(6) to relax, to try to calm down.
27. Then the border patrol agent turned to me and said, "who are you?!" He was still yelling. I told him I was from the rental office. The agent asked me if (b)(6) was my son and I said no. He asked me what my relationship to (b)(6) was, and I said, he's a tenant.
28. The border patrol agent kept screaming at me and asked me what my status was, where was I born.
29. I said to him, "Can you please relax? You don't have to scream at me."
30. At that point, two ICE officers were now with (b)(6)
31. The border patrol agent yelled, "You're telling *me* to relax?!"
32. I said, yes.
33. He asked again where I was born. I told him I was born in Nicaragua but that I am a naturalized U.S. Citizen. Then he asked for my ID. I told him I didn't have any ID with me, because I had left it in the office. I had just dropped everything when I got the call that the police were at the house, and hadn't brought my purse.
34. So the border patrol agent yelled at me for that too. "So you're telling me you have no ID when you're driving this car?! If you get back in that car to drive I'll make sure you get arrested!"
35. I said, okay, no problem, I'll walk back to the office to get my ID. It was about a 1/4 mile away, and I was three months pregnant at the time.

36. We had been at the house for about 40 minutes. Throughout all this, (b)(6) looked very scared, and she was crying a lot. She seemed very concerned about (b)(6).
37. The border patrol agent then said to me, "You know, this kid has not been raised correctly." I said no, I don't know that. Then he said, "You know that you have the wrong kind of people living here?" And I said no, I don't know that.
38. By the time we got back to the house, all the officers were gone. (b)(6) were still at the house, but they looked very scared and nervous. They were crying.
39. I was so upset about what I happened that I cried for the rest of the day too. Ever since, I have not been able to really concentrate at work. I am still upset. I just keep thinking about what happened. It wasn't right how they treated any of us. Now a lot of our tenants are scared this could happen to them.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

(b)(6)

6/30/10
Date





**Homeland
Security**

June 16, 2010

(b)(6)

Families for Freedom

3 West 29th Street, (b)(6)

New York, NY 10001

Re: Complaint No. 10-08-ICE-0116

(b)(6)

Dear Mr. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties received a complaint from you on May 11, 2010. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, this Office has the responsibility to review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS). Pursuant to 6 U.S.C. § 345(a)(6) and internal DHS policies, we initially refer all such complaints to the Office of Inspector General. If the Inspector General declines to accept the complaint, it is returned to this Office for handling or reassignment within the Department.

The issues you raise are very important to us, and we are working to provide a written response describing how we will handle this matter. The information you provided or may provide will be used in accordance with 5 U.S.C. § 552 (Freedom of Information Act), 5 U.S.C. § 552a (Privacy Act), 6 U.S.C. § 345 (Homeland Security Act), 42 U.S.C. § 2000ee-1 (9/11 Commission Act), 44 U.S.C. § 3101 (Federal Records Act) and other relevant federal laws. While we will seek to prevent unnecessary disclosure of the information provided, we may need to share some of this information with relevant persons. Also, we may be required by law or government policy to release information, in whole or in part, to other government agencies, Congress, and other private individuals. Such disclosures may be mandatory under the Privacy Act, the Freedom of Information Act, the Federal Records Act, and other statutes or regulations. When disclosures are made, personal information will be redacted to the extent permissible. A discussion of your rights under the Freedom of Information Act and the Privacy Act can be found at <http://www.pueblo.gsa.gov/call/foia.htm> or in the attached materials.

Please provide us your updated contact information, including a phone number, e-mail, and mailing address. Thank you for your patience in awaiting our response. You may contact this Office by email at crcl@dhs.gov or by phone at 1-866-644-8360, 1-866-644-8361 (TTY). For additional information about the roles and responsibilities of our Office, see <http://www.dhs.gov/civilliberties>.

www.dhs.gov

If you are filing a complaint on behalf of an individual(s), you must provide this Office with expressed written consent from the individual(s), should you wish to receive information about the complaint. Thank you for contacting the Department of Homeland Security's Office for Civil Rights and Civil Liberties.

Director for Review and Compliance
Office for Civil Rights and Civil Liberties



Homeland
Security

August 8, 2011

Sent via email

(b)(6)

Families for Freedom

(b)(6)@familiesforfreedom.org

Re: CRCL Complaint No. 10-08-DHS-0116

Dear Mr. (b)(6)

On May 11, 2010, the Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you raising concerns about the treatment of Mr. (b)(6) his son and two women, by officers with Immigration and Customs Enforcement (ICE) and agents with Customs and Border Protection (CBP) in Homestead, Florida, on May 1, 2010. Your complaint alleged that one or more ICE officers and CBP agents: 1) used inappropriate language to describe Mr. (b)(6) 2) physically and verbally abused Mr. (b)(6) minor son and threatened him with sexual abuse in jail; 3) demanded proof of citizenship from two women with Rural Neighborhoods; and 4) compelled one pregnant woman with Rural Neighborhoods to walk one quarter of a mile to retrieve her proof of citizenship.

CRCL referred your allegations to the Department's Joint Intake Center. The CBP Office of Internal Affairs (IA) responded on behalf of both agencies on May 25, 2011 and conducted an extensive investigation. The results of CBP IA's investigation appear below:

- 1) *Used inappropriate language to describe Mr. (b)(6)* CBP IA interviewed eight total officers and agents regarding this allegation. All denied using derogatory language during the operation to describe Mr. (b)(6)
- 2) *Physically and verbally abused Mr. (b)(6) minor son and threatened him with sexual abuse in jail:* CBP IA reported that, according to their investigation, Mr. (b)(6) son, who physically appeared to be older than 16, refused to follow commands to remove his hands from his pockets and intentionally bumped a CBP agent with his body. Mr. (b)(6) son was temporarily handcuffed until he calmed down. ICE officers and CBP agents deny threatening Mr. (b)(6) son with sexual assault in jail. Thus, there was no officer corroboration of your complaints and CBP IA did not substantiate these allegations.
- 3) *Demanded proof of citizenship from two women with Rural Neighborhoods:* CBP agents and ICE officers reported that the two women verbally interfered and one physically interfered with their apprehension of Mr. (b)(6) CBP agents and ICE officers deny asking the women for proof of citizenship or place of birth during the operation.

- 4) *Compelled one pregnant woman with Rural Neighborhoods to walk one quarter of a mile to retrieve her proof of citizenship:* CBP agents and ICE officers deny asking either woman for proof of citizenship or compelling a pregnant woman to walk one quarter of a mile to retrieve such information.

Thus, CBP IA was unable to corroborate your allegation with any specific officer testimony. In addition, no civilian witnesses were able to identify the CBP officer that allegedly made the inappropriate comments to Ms. (b)(6). Based on these facts, we are unable to substantiate your allegations regarding this incident. As of this time, we are closing your complaint in this office. However, we will keep your complaint in our database for tracking purposes if we see continued complaints of this type in the future. We thank you again for your complaint; inquiries like his help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties.

Sincerely,



Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



EVERGLADES COMMUNITY ASSOCIATION



May 10, 2010

Wilfredo Ferrer, United States Attorney
99 NE 4th St.
Miami, FL 33132
VIA FACSIMILE: (305) (b)(6)

Dear Mr. Ferrer:

Our organizations are writing to request a full and fair investigation by your office into the actions of law enforcement agents from Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) during a raid conducted in Homestead/Florida City on Wednesday, April 27, 2010.

According to ICE comments in the Miami Herald on Saturday, May 1st, 2010, ICE conducted several raids on the morning in question focusing on "dangerous foreign-born criminals." While we applaud law enforcement actions that keep our communities safe, our interviews with witnesses and subjects of the Wednesday raids conducted by ICE/CBP have produced some very serious and disturbing allegations of misconduct. Many of the allegations point to a specific unidentified officer believed to be a Customs and Border Protection Agent. The alleged misconduct targeted at least three US citizens (USC), one three months pregnant and another a minor, and included a vulgar reference to prison sexual assault laced with racial overtones. After interviewing several witnesses, the following is our understanding of the facts:

- The raid of concern was conducted in Homestead on Wednesday, April 27, 2010 at (b)(6) (b)(6) at approximately 12 pm. The raid was apparently conducted to apprehend (b)(6) (b)(6) was at his residence on (b)(6) a private gated neighborhood owned by Rural Neighborhoods, a non-profit organization. Mr. (b)(6) resides there with his LPR (Legal Resident) wife and his 16-year-old USC son.
- On the day in question several ICE officers descended on the (b)(6) residence asking to be let into the house in order to apprehend Mr. (b)(6) At the time his wife (b)(6) son (b)(6) were outside the house and refused to let the agents gain entry. After learning about the raid, two employees of Rural Neighborhoods (the managers of the complex), (b)(6) both naturalized USC's, drove to the house from the management office. Mrs. (b)(6)
- As the employees arrived on the scene they identified themselves and their job titles. They were asked by the ICE officers about which police jurisdiction the residence was in and ICE confirmed that they were not being given permission to enter the (b)(6) home. The employees then suggested that it was in the best interest of 16 year-old (b)(6) to accompany him away from the scene and to the management office, to which the ICE agents agreed.

- At that point a government car pulled up (Black Ford sedan, tag numbers (b)(6),(b)(7)(C) carrying ICE officer (b)(6),(b)(7)(C) from Fugitive Operations and the previously mentioned unidentified agent wearing what seemed to be a green "Border Patrol" uniform. The man is described as White or Hispanic (he spoke Spanish) and had a mustache.
- The unidentified officer proceeded to shout at Mrs. (b)(6) saying, "you know the piece of shit in your house is a criminal." At that point, (b)(6) told the officer not to yell at his mother, to which the officer responded by seemingly intentionally bumping into (b)(6) and then screaming "You touched me!" several times. **The officer then grabbed the 16 year old by the neck and slammed him on Mrs. (b)(6) car and began yelling "stop resisting."** The witnesses we spoke to insist that (b)(6) was not resisting. The officer then put the boy in handcuffs.
- Mrs. (b)(6) asked the officer to relax, to which the officer then shouted and asked both Mrs. (b)(6) and Mrs. (b)(6) for their country of origin, immigration status, and relationship to (b)(6). After discovering that Mrs. (b)(6) was a naturalized citizen, the officer demanded to see citizenship papers. Mrs. (b)(6) replied that they were in the rental office with her Driver's license and that she would have to drive to the rental office to get them. At that point the officer stated that if she drove to the office she would be arrested. Mrs. (b)(6) then walked the quarter mile distance to her office to obtain her proof of US citizenship.
- In the presence of Mrs. (b)(6) and Mrs. (b)(6) the agents asked (b)(6) if he had any sharp objects, he said no, "only keys." Officers pulled the keys out in front of the complex employees. Later the unidentified agent insisted to a supervisor of the complex that (b)(6) had a knife.
- After (b)(6) was handcuffed, Mr. (b)(6) then opened the door to the house, prompting his arrest. During the arrest, the unidentified officer kept telling (b)(6) "your son wasn't raised right." He then told her **"tonight he is going to be raped by three black guys"** in jail.

We are extremely concerned about this incident. The allegations point to several occurrences of misconduct on behalf of the unidentified agent. Namely, the testimony appears to indicate that the 16-year-old minor (and USC) was wrongfully detained as leverage against Mr. (b)(6) who was lawfully asserting his right to not open his door to the agents. Most disturbingly, the unidentified agent used a threat of sexual violence peppered with racial innuendo directed at a 16 year old USC who has not been charged or accused of any wrong doing. We request a prompt response to this matter. This raid, advertised as protecting our community further only served to further victimize the community. In this case the victims included several US Citizens and a minor.

We are willing to assist the US Attorney and any other agency in any serious investigation of this matter as long as you provide protection to witnesses who may suffer reprisals at the hands of CBP or ICE. We request a prompt response. Thank you in advance for your attention to this matter. You may contact (b)(6) from WeCount! at (305) (b)(6)

Sincerely,

The Florida Immigrant Coalition, WeCount!, Rural Neighborhoods, American Friends Service Committee, Coalition of Florida Farmworker Organizations.

cc:

(b)(6),(b)(7)(C) Field Office Director, Immigration and Customs Enforcement (ICE)
 (b)(6),(b)(7)(C) Chief Patrol Officer, Customs and Border Protection
 Alan Bersin, Commissioner, Customs and Border Protection

(b)(6),(b)(7)(C)

Special Agent-in-Charge, Immigration and Customs Enforcement (ICE)
John Morton, Assistant Secretary of Homeland Security
Margo Schlanger, Office of Civil Rights and Civil Liberties, U.S. Department of Homeland Security
Congressman Mario Diaz-Balart, 25th District of Florida
U.S. Senator George Lemieux
U.S. Senator Bill Nelson
Chief Al Rolle, Homestead Police Department
Mayor Steven Bateman, City of Homestead
Commissioners Katy Sorenson and Dennis Moss, Miami-Dade County
American Civil Liberties Union
PRLDF-Latino Justice
Center for Constitutional Rights
Mexican American Legal Defense Fund
NAACP

From: (b)(6)
Sent: Monday, June 13, 2011 3:07 PM
To: Blumberg, Jeffrey
Cc: (b)(6)
Subject: Re: Close Letter for 10-08-ICE-0116
Attachments: (b)(6) Complaint.txt; Close Letter.doc

Importance: High

Jeffrey, I have a hard copy of the ROI for you. The scanners in the office were broken at the time I tried sending this to you. Please let me know when you are ready to review and I will bring the hard copy to your office.

(b)(6)
Compliance Investigator
U.S. Department of Homeland Security Headquarters
Washington, DC
(202) (b)(6) Office phone
(202) (b)(6) BB phone (when on travel only)



Homeland
Security

**OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
REFERRED COMPLAINT ASSISTANCE FORM**

REFERRED COMPLAINT ASSISTANCE	
Assigned To:	Immigration and Customs Enforcement Office of Professional Responsibility Customs and Border Protection Joint Intake Center
Requested From:	(b)(6) Compliance Investigator DHS Headquarters Office for Civil Rights and Civil Liberties (CRCL) Phone: 202 (b)(6) (b)(6)@dhs.gov
Deadline to CRCL:	Within 180 days of the date on the attached memo.
CRCL Complaint No:	10-08-DHS-0116
SYNOPSIS	
On May 11, 2010, CRCL received a complaint from Families for Freedom, alleging CBP and ICE officials violated the civil rights and liberties of Mr. (b)(6) his wife (b)(6) (a LPR), and their 16-year-old son (b)(6) (a USC) during a raid at their residence by ICE and CBP on Wednesday, April 28, 2010, at approximately 12:00 p.m. in Homestead, Florida. The complaint also alleged ICE and CBP officials mistreated (b)(6) bystanders at the (b)(6) residence. The complaint specifically named ICE Officer (b)(6), (b)(7)(C) and referenced an unidentified CBP official as the perpetrators. The complaint alleges ICE and/or CBP officials: 1. Used derogatory language to describe the elder Mr. (b)(6) when speaking with Ms. (b)(6) 2. Physically and verbally abused (b)(6) and handcuffed him without justification, in an apparent attempt to coerce (b)(6) to exit the house; 3. Made a vulgar reference to a hypothetical prison sexual assault against (b)(6) 4. Mistreated (b)(6) USCs, by asking them about their countries of origin, immigration status, and by demanding proof of their citizenship while they were outside the (b)(6) home on 4/28/2010, immediately following the CBPO's alleged excessive use of force against (b)(6) and 5. Compelled Ms. (b)(6) at the time, to walk one quarter of a mile to her office in order to retrieve proof of citizenship. On July 13, 2010, ICE's Office of Professional Responsibility informed CRCL that it is already reviewing this complaint as an Administrative Inquiry. On July 28, 2010, CBP informed us it had not yet opened an investigation but was planning to do so. The ICE OPR Fact Finder should call CRCL immediately upon receipt of this referral.	

Protected by Attorney-Client and Deliberative Process Privileges

ISSUES/ALLEGATIONS	
Issues/Allegations to be addressed in ICE AIR/ROI:	• (b)(5),(b)(6) • • •
Information/Documents to be included in the exhibits:	• (b)(5) • • • • • •

Protected by Attorney-Client and Deliberative Process Privileges

AUG 12 2010



**Homeland
Security**

(b)(6)

Homestead, Florida 33034

Re: Complaint No. 10-08-DHS-0116

Dear Mr. and Mrs. (b)(6)

On May 11, 2010, the Office for Civil Rights and Civil Liberties received information from Families for Freedom concerning your family's treatment by Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) during a raid at your residence on April 27, 2010.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties has the responsibility to review and assess complaints against Department of Homeland Security employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion.

This Office takes allegations of violations of civil rights and civil liberties very seriously. We have determined that your allegations should be investigated by ICE and CBP, components of the Department of Homeland Security, which will report their findings to this Office. ICE and CBP will conduct an investigation of one or more of the concerns that you have raised:

- Whether ICE or CBP officials wrongfully detained your 16-year-old son.
- Whether an ICE or CBP official threatened your son with sexual assault.
- Whether ICE or CBP officials made inappropriate comments about your family.
- Whether ICE and CBP mistreated and inappropriately questioned bystanders at your residence.

We will review ICE and CBP's findings to assess compliance with civil rights requirements. The purpose of this process is to determine if your allegations raise issues that should and can be addressed by the management of the Department of Homeland Security.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, this Office is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult with an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to this Office. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately. ICE, CBP or this Office will contact you if additional information is needed or to report on the Department's review of this matter. If you have any questions concerning this referral, you may contact this Office by phone at 1-866-644-8360, 1-866-644-8361 (TTY), or by email at crcl@dhs.gov. When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

We thank you for your complaint; inquiries like yours help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how the Department concluded this matter.

Sincerely,

A handwritten signature in black ink, reading "William P. McKenney". The signature is fluid and cursive, with a long horizontal stroke at the end.

William P. McKenney
Director for Review and Compliance
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

AUG 12 2010



Homeland
Security

MEMORANDUM FOR:

(b)(6),(b)(7)(C)

Acting Deputy Director
Office of Professional Responsibility
Immigration and Customs Enforcement

Peter S. Vincent
Principal Legal Advisor
Immigration and Customs Enforcement

(b)(6),(b)(7)(C)

Joint Intake Center
Customs and Border Protection

Alfonso Robles
Chief Counsel
Customs and Border Protection

FROM:

William P. McKenney *WPM*
Director for Review and Compliance
Office for Civil Rights and Civil Liberties

(b)(6)

Attorney Advisor
Office of General Counsel

SUBJECT:

Complaint No. 10-08-DHS-0116

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) have violated an individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and to inform you that we are referring this complaint to ICE and CBP for investigation. We request that the appropriate office within your components complete an inquiry into the enclosed complaint within 180 days of the date of this referral.

On July 13, 2010, ICE's Office of Professional Responsibility informed us that it was already reviewing this complaint as an Administrative Inquiry. On July 28, 2010, CBP informed us it had not yet opened an investigation but was planning to do so. Please see the attached Referred Complaint Assistance Form for guidance regarding this inquiry.

Protected by Attorney-Client and Deliberative Process Privileges

CRCL authorities. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in Department of Homeland Security (DHS) Management Directive 3500. We have received information concerning the above listed complaint that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

Access to information. More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require[e] cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

Reprisals forbidden. In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

Privilege and required transparency. Our communications with ICE and CBP personnel and documents generated during this review will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 42 U.S.C. § 2000ee-1(f)(2), however, we submit quarterly reports to Congress—which are also posted on CRCL’s website—that provide, inter alia, “the type of advice provided and the response given to such advice;” and “a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.”

When the inquiry is complete, please contact CRCL with your component’s findings and recommendations. CRCL will review the matter in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed this complaint, and will provide you with any recommendations resulting from this complaint.

If you have any questions concerning this referral, please do not hesitate to contact my colleague, (b)(6) by phone at 202 (b)(6) 1-866-644-8360 (TTY), or by email at (b)(6)@dhs.gov.

Copies to:

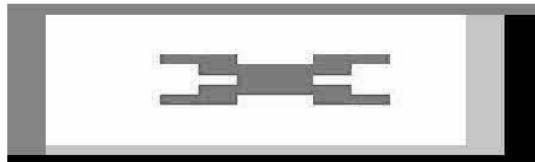
Franklin Jones
Executive Director
Office of Diversity and Civil Rights
Customs and Border Protection
(b)(6),(b)(7)(C)@dhs.gov

ice.opstasking@dhs.gov

joint.intake@dhs.gov

Enclosure

From: (b)(6)@dhs.gov]
Sent: Tuesday, June 15, 2010 2:18 PM
To: (b)(6)
Subject: RE: Complaint No. 10-08-ICE-0116



The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) [mailto:(b)(6)@associates.dhs.gov]
Sent: Friday, June 11, 2010 2:52 PM
To: (b)(6)
Cc: (b)(6)
Subject: Complaint No. 10-08-ICE-0116

Please Review.

On May 11, 2010, CRCL received email from Mr. (b)(6) of the organization Families for Freedom, providing a courtesy copy of a May 10, 2010 letter to U.S.

Attorney (USA) Wilfredo Ferrer, Southern District of Florida, with the following non-governmental organizations listed as signatories: The Florida Immigrant Coalition, WeCount!, Rural Neighborhoods, American Friends Service Committee (AFSC), and Coalition of Florida Farmworkers Organizations. (The letter does not include the names or signatures of any representatives from those organizations. Families for Freedom is not listed on the letter itself, and Mr. (b)(6) includes no message from his organization to CRCL to accompany the copy of the above letter.) CRCL, as well as representatives of ICE and CBP, and other agencies, offices, and organizations, are copied on the letter. The signatories allege that an unidentified male CBP officer (CBPO) violated the civil rights and civil liberties of Mr. (b)(6) (described as a 48-year-old visually impaired man), his wife (b)(6) (a legal permanent resident) and their 16-year-old son (b)(6) (a U.S. citizen) during a raid at their residence by ICE and CBP on Wednesday, April 28, 2010, at approximately 12:00 p.m. in Homestead, Florida. The letter further suggests that ICE also engaged in violations of civil rights and civil liberties by initiating the raid. The correspondence alleges that the CBPO used derogatory language to describe the elder Mr. (b)(6) when speaking with Ms. (b)(6) physically and verbally abused (b)(6) and handcuffed him without justification, in an apparent attempt to coerce (b)(6) to exit the house; and made a vulgar reference to a hypothetical prison sexual assault against (b)(6) (b)(6)

The correspondence further alleges that the CBPO improperly treated (b)(6) and (b)(6) U.S. citizen employees of Rural Neighborhoods, a non-profit organization that manages the residential complex where the (b)(6) family lives, by asking them about their countries of origin, immigration status, and by demanding proof of their citizenship while they were outside the (b)(6) home on 4/28/2010, immediately following the CBPO's alleged excessive use of force against (b)(6) (b)(6) The letter complains that the CBPO compelled Ms. (b)(6) (b)(6) to walk one quarter of a mile to her office in order to retrieve proof of citizenship. (Ms. (b)(6) had told the CBPO beforehand that her documentation was at her office along with her driver's license.)

When unidentified ICE officers first approached the (b)(6) house on April 28, 2010, they reportedly asked to be let inside to apprehend Mr. (b)(6) (b)(6) (b)(6) who were outside the house at the time, allegedly refused to allow the agents to enter the house. Upon learning about the raid, Ms. (b)(6) and Ms. (b)(6) both naturalized U.S. citizens, drove to the house from the Rural Neighborhoods management office, and identified themselves to the ICE officers.

Thereafter, a government vehicle carrying ICE officer (b)(6), (b)(7)(C) (a Deportation Officer based in Miami, according to the DHS Global Address List) and an unidentified male CBP Officer (b)(6), (b)(7)(C) (b)(6) Border Patrol uniform) arrived. The CBPO allegedly shouted to Mrs. (b)(6) "You know the piece of shit in your house is a criminal." After (b)(6) told the officer not to yell at his mother, the CBPO allegedly bumped into him and accused (b)(6) of touching him, then grabbed (b)(6) by the neck, slammed him on Ms.

(b)(6) car, and yelled, "Stop resisting!" (b)(6) had allegedly not resisted. The CBPO then handcuffed him. Additionally, the CBPO allegedly falsely stated to a supervisor of the residential complex that (b)(6) had a knife, when he did not.

After (b)(6) was handcuffed, (b)(6) reportedly opened the door to the house, and was arrested (presumably by ICE and/or CBP). During the arrest, the CBPO allegedly told Ms. (b)(6) "Tonight (b)(6) is going to be raped by three black guys", in jail.

The letter writers request that USA Ferrer review this matter. They claim that CBP and ICE wrongfully detained (b)(6) whom they state has not been charged or accused of wrongdoing, to use as "leverage" against (b)(6) whom they claim was lawfully asserting his right to deny federal agents entry into his home. They state that the U.S. Attorney's Office could contact (b)(6) of the organization WeCount! regarding the matter.

[Note: The letter does not specify when, how and from whom the writers obtained the above account of the alleged incident. It does not include (b)(6) alien number or specify his citizenship status, nor does it describe the outcome of events stemming from the "arrests" of (b)(6) on April 28, 2010. Additional comments for internal reference are included in the Notes section of this Complaint form, and can be input in a Note in the tracking system.]

Thank You,

(b)(6)
Review and Compliance Division

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(202) (b)(6) V)
(202) (b)(6) F)

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: 10-08-DHS-0116 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2012-05-08 13:04	Update	Summary	On May 11, 2010, CRCL received email from Mr. (b)(6) of the organization Families for Freedom, providing a courtesy copy of a May 10, 2010 letter to U.S. Attorney (USA) Wilfredo Ferrer, Southern District of Florida, with the following non-governme	6662	(b)(6)	User Change
DhsComplaint	2011-09-09 12:05	Update	External Tracking Number	(b)(6)	6662		User Change
DhsComplaint	2011-09-09 12:05	Update	Days to Process	454	6662		User Change
DhsComplaint	2010-06-11 16:15	Created	Task		6662		migrated
DhsComplaint	2010-06-11 16:15	Created			6662		migrated
DhsComplaint	2010-06-11 16:15	Edited			6662		migrated
DhsComplaint	2010-06-11 16:15	Edited	Task: Assignment: Assigned matter From: (b)(6) To: DHS Due: 2010-11-07 17:00:23.501		6662		migrated
DhsComplaint	2010-06-11 16:18	Edited			6662		migrated
DhsComplaint	2010-06-11 16:18	Note Added	Sent to IG:		6662		migrated
DhsComplaint	2010-06-16 11:26	Document Added	Document: 5 11 2010 (b)(6)		6662		migrated
DhsComplaint	2010-06-16	Document Added	Document: RE Complaint No. 10-08-ICE-0116 IG		6662		migrated

	11:27							(b)(6)	migrated
DhsComplaint	2010-06-16 12:08	Edited						6662	migrated
DhsComplaint	2010-06-16 12:08	Note Added	From IG:					6662	migrated
DhsComplaint	2010-06-16 13:21	Document Added	Document: Acknowledgement Letter - (b)(6)					6662	migrated
DhsComplaint	2010-06-16 13:22	Edited						6662	migrated
DhsComplaint	2010-06-16 13:22	Note Added	To awaiting Recommendation:					6662	migrated
DhsComplaint	2010-06-25 11:00	Edited						6662	migrated
DhsComplaint	2010-07-01 14:54	Edited						6662	migrated
DhsComplaint	2010-07-01 14:54	Note Added	Recommendation Submitted: (b)(5),(b)(6)					6662	migrated
DhsComplaint	2010-07-12 14:32	Note Added	Approved (to Back From Officer):Ok					6662	migrated
DhsComplaint	2010-07-12 14:32	Edited						6662	migrated
DhsComplaint	2010-07-12 14:32	Edited	Task:Assignment: Assigned matter From (b)(6) To (b)(6) Due:2010-11-07 17:00:23.0					6662	migrated
DhsComplaint	2010-07-29 16:10	Note Added	approved referral docs with changes					6662	migrated
DhsComplaint	2010-08-12 21:23	Document Added	Document: Referral Memo- (b)(6)					6662	migrated

DhsComplaint	2010-08-12 21:23	Note Added	Referred:			6662	(b)(6)	migrated
DhsComplaint	2010-08-12 21:23	Edited				6662		migrated
DhsComplaint	2010-08-12 21:23	Document Added	Document: Referral Letter- (b)(6)			6662		migrated
DhsComplaint	2010-08-12 21:34	Document Added	Document: Referral form- (b)(6)			6662		migrated
DhsComplaint	2010-08-12 21:47	Document Added	Document: Incoming Complaint- (b)(6)			6662		migrated
DhsComplaint	2010-09-29 13:54	Create	From Matters		migration	6662		migration
DhsComplaintAction	2011-08-09 10:38	Create	Action		Closed - Referred/No Further Action	105743		User Change
DhsComplaintAction	2011-08-09 10:38	Create	Internal Summary		On May 11, 2010, the Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you raising concerns about the treatment of Mr. (b)(6) his son and two women, by officers with (b)(6) Immigration and Customs Enforcement (ICE) and agents	105743		User Change
DhsComplaintAction	2011-08-09 10:38	Create	Reporting Summary		On May 11, 2010, the Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you raising concerns about the treatment of Mr. (b)(6) his son and two women, by officers with (b)(6) Immigration and Customs Enforcement (ICE) and agents	105743		User Change
DhsComplaintAction	2011-08-09 10:38	Create	Document		CRCI Close Letter Complaint No 10-08-DHS-01116.pdf	105743		User Change
DhsComplaintAction	2011-08-09 10:38	Create	Action Date		08/08/2011	105743		User Change
DhsComplaintAction	2011-08-09 10:38	Create	Comments		Jeffrey approved for closure on 8/8/11. Updated hard file for closure on 8/9/11. Scanners in office down on 8/9/11, unable to upload remainder of hard file data.	105743		User Change
DhsComplaintAction	2011-08-09	Create	Action		Notes	105742		User

[illegible]

DhsComplaintDocument	08-09 10:31	Create	Dateentered	08/09/2011	84733	(b)(6)	User Change
DhsComplaintDocument	2011-08-09 10:31	Create	Document 5	2010 06 30 Declaration of (b)(6).pdf	84733	(b)(6)	User Change
DhsComplaintDocument	2011-08-08 10:33	Create	Document 1	CRCI Close Letter Complaint No. 10-08-DHS-0116.pdf	84715	(b)(6)	User Change
DhsComplaintDocument	2011-08-08 10:33	Create	Foreign Language	No	84715	(b)(6)	User Change
DhsComplaintDocument	2011-08-08 10:33	Create	Document Type	Closed Letter	84715	(b)(6)	User Change
DhsComplaintDocument	2011-08-08 10:33	Create	Dateentered	08/08/2011	84715	(b)(6)	User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Color		12229	(b)(6)	User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Disability		12229	(b)(6)	User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Other Issue		12229	(b)(6)	User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Race		12229	(b)(6)	User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Comments	07/01/2010: Recommendation Submitted (b)(5),(b)(6)	12229	(b)(6)	User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Religion	07/09/2010: Approved (to Back From Officer):Ok RECOMMENDATION (b)(5),(b)(6)	12229	(b)(6)	User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Situation	DHS law enforcement activity	12229	(b)(6)	User Change

DhsComplaintIssue	2011-08-12 13:39	Update	Redirect to Subject	No		12229	(b)(6)	User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Incident Location Type			12229		User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Sex			12229		User Change



Homeland
Security

January 18, 2013

David Loy
Legal Director
ACLU of San Diego & Imperial Counties
PO Box 87131
San Diego, CA 92138-7131
Re: Complaint No. 10-09-ICE-0126

(b)(6)

Dear Mr. Loy:

This letter is a follow-up in response to information the Office for Civil Rights and Civil Liberties (CRCL) received from former ACLU staff attorney and legal fellow, Ms. (b)(6) on June 11, 2010, alleging the mistreatment of (b)(6) a female Immigration and Customs Enforcement (ICE) detainee on April 22, 2010, during transport to ICE's San Diego Field Office. The complaint alleged forcible fingerprinting of Ms. (b)(6) at the Field Office, and that she was sexually assaulted by an ICE officer while being placed into an ICE transport vehicle. In a letter to Ms. (b)(6) on July 26, 2010, we informed the ACLU that pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL would review one or more of the issues raised in the ACLU's complaint.

On October 25 and 26, 2010, CRCL conducted an onsite investigation at ICE's San Diego Field Office. Along with an investigation team of ICE Office of Professional Responsibility investigators, we interviewed relevant ICE personnel who were alleged to have been involved in this matter, and reviewed arrest records and other documents produced at the field office in relation to the incident.

We have concluded our investigation of the allegations pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1. While our investigative documents are privileged, we can inform you that we were unable able to confirm the allegations that Ms. (b)(6) was forcibly fingerprinted, that she was sexually assaulted by an ICE officer, or that she was denied use of a restroom for several hours while she was being transported in an ICE transport van. As a result, we are closing the complaint at this time.

We appreciate your bringing this matter to our attention. Thank you for your patience in working with this Office to further the investigation of this matter and in waiting for us to conclude it. If you have any further concerns, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at crcl@dhs.gov.

Sincerely,

(b)(6)

Deputy Director Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
COMPLAINT WITHOUT RECOMMENDATIONS
CLOSURE MEMORANDUM

To: (b)(6)
From: (b)(6)
Date: January 18, 2013
Complaint Number: 10-09-ICE-0126
Complainant Name (Alien Number): (b)(6)

Reason(s) for Closure without Recommendations (check all that apply):

☐ Insufficient information to investigate ☐ Withdrawal of complaint ☐ Lack of jurisdiction ☐ Allegation(s) untimely/overtaken by events ☐ Component and/or facility has already corrected the problem ☒ Allegation(s) against component, individual, and/or facility unfounded or unsubstantiated	☐ Allegation(s) substantiated but does not warrant recommendations ☐ No finding of detention standards violations ☐ No finding of policy or procedure violations ☐ Complaint added to information layer and closed (linked) ☐ Complaint being handled as part of another related complaint (related) ☐ Other (provide details):
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Complaint Synopsis and Explanation of Closing Rationale:

On June 11, 2010, CRCL received a complaint from the American Civil Liberties Union on behalf of Ms. (b)(6) alleging that on April 22, 2010, she was mistreated by ICE agents after her arrest. Ms. (b)(6) claimed she was not allowed to use a restroom for five hours while she was handcuffed in an ICE transport van, was forcibly fingerprinted during processing at ICE's San Diego Field Office, and was sexually assaulted by an ICE officer as she was placed in a transport van for her removal from the United States.

CRCL and ICE conducted a joint onsite investigation into these allegations. Based on records reviews and interviews with involved ICE personnel, ICE and CRCL concluded that the allegations regarding the forced fingerprinting and the sexual assault were unfounded. (See ICE Report of Investigation (ROI), January 10, 2011.)

Nevertheless, CRCL remains concerned about the allegation that Ms. (b)(6) was not allowed to use a restroom during transport from her home to the San Diego Field Office. While our interviews with ICE personnel regarding the allegation led us to conclude they were unfounded, none of the ICE agents providing the transport were able to provide documentation to demonstrate whether they, in fact, made a restroom stop, although they asserted that they likely did so.

In addition, when CRCL asked each officer to explain what guidance or policy determined restroom breaks, we received different responses, (b)(5)
(b)(5)
needed and appropriate. This would be especially important to individuals such as Ms. (b)(6)

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(b)(6) who reportedly had relevant medical problems requiring frequent restroom breaks. (See ICE ROI at Page 4.)

As the allegations were deemed unfounded, I recommend that we close this complaint.

Suggested Closure Method(s) (*check all that apply*):

- | | |
|--|--|
| ☒ Close letter to complainant | ☐ Close email/memo to component |
| ☐ Phone call | ☐ High level component communication |
| ☐ No notification necessary | ☐ Close Memo (No contact information) ¹ |
| ☒ Other (<i>provide details</i>): informal recommendations by e-mail to ICE as set forth | |

above.

Comments (*optional*):

For Completion by Reviewer:

Closure Recommendation Accepted ☐

Closure Recommendation Not Accepted ☐

Further Action Required: _____

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**Homeland
Security**

June 22, 2010

(b)(6)

Oaxaca, Mexico 68745

Re: Complaint No. 10-09-ICE-0126

Dear Ms. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties received a complaint from you on June 11, 2010. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, this Office has the responsibility to review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS). Pursuant to 6 U.S.C. § 345(a)(6) and internal DHS policies, we initially refer all such complaints to the Office of Inspector General. If the Inspector General declines to accept the complaint, it is returned to this Office for handling or reassignment within the Department.

The issues you raise are very important to us, and we are working to provide a written response describing how we will handle this matter. The information you provided or may provide will be used in accordance with 5 U.S.C. § 552 (Freedom of Information Act), 5 U.S.C. § 552a (Privacy Act), 6 U.S.C. § 345 (Homeland Security Act), 42 U.S.C. § 2000ee-1 (9/11 Commission Act), 44 U.S.C. § 3101 (Federal Records Act) and other relevant federal laws. While we will seek to prevent unnecessary disclosure of the information provided, we may need to share some of this information with relevant persons. Also, we may be required by law or government policy to release information, in whole or in part, to other government agencies, Congress, and other private individuals. Such disclosures may be mandatory under the Privacy Act, the Freedom of Information Act, the Federal Records Act, and other statutes or regulations. When disclosures are made, personal information will be redacted to the extent permissible. A discussion of your rights under the Freedom of Information Act and the Privacy Act can be found at <http://www.pueblo.gsa.gov/call/foia.htm> or in the attached materials.

Please provide us your updated contact information, including a phone number, e-mail, and mailing address. Thank you for your patience in awaiting our response. You may contact this Office by email at crcl@dhs.gov or by phone at 1-866-644-8360, 1-866-644-8361 (TTY). For additional information about the roles and responsibilities of our Office, see <http://www.dhs.gov/civilliberties>.

www.dhs.gov

If you are filing a complaint on behalf of an individual(s), you must provide this Office with expressed written consent from the individual(s), should you wish to receive information about the complaint. Thank you for contacting the Department of Homeland Security's Office for Civil Rights and Civil Liberties.

Director for Review and Compliance
Office for Civil Rights and Civil Liberties

Cop[y/ies] to:

(b)(6)

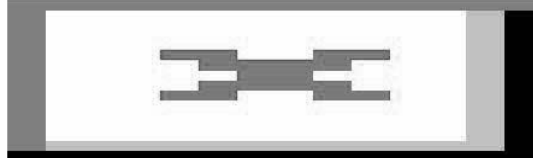
Staff Attorney/Legal Fellow
ACLU of San Diego & Imperial Counties
P.O. Box 87131
San Diego, CA 92138-7131

(b)(6)

San Marcos, CA 92069

Enclosure

From: (b)(6)@dhs.gov]
Sent: Wednesday, June 23, 2010 8:14 AM
To: (b)(6)
Subject: Complaint No. 10-09-ICE-0126-Ms. (b)(6)
Attachments: Complaint No. 10-09-ICE-0126; new CRCL Complaint (b)(6)
(b)(6)



The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@associates.dhs.gov]
Sent: Tuesday, June 22, 2010 11:09 AM
To: (b)(6)
Cc:
Subject: Complaint No. 10-09-ICE-0126

PLEASE REVIEW.

On June 11, 2010, CRCL received email correspondence from Ms. (b)(6) Staff Attorney/Legal Fellow, American Civil Liberties Union (ACLU) of San Diego & Imperial Counties, on behalf of Ms. (b)(6) and her husband, (b)(6). Ms. (b)(6) alleged that unidentified ICE officers violated the civil rights and civil liberties of Ms. (b)(6) on April 22, 2010, in their treatment of her as they removed her from her home in San Marcos, California, detained her for several hours, and then removed her to Mexico. Ms. (b)(6) writes, "Ms. (b)(6) whose husband and children are U.S. citizens, was taken from her home; handcuffed and detained in a van for several hours without access to a restroom, which caused her great pain on account of her gastritis; forcibly fingerprinted despite multiple requests to speak to her attorney; sexually assaulted by an ICE officer; then removed to Mexico." The alleged sexual assault occurred when an unidentified male ICE officer allegedly put his hand inside Ms. (b)(6) pants, grabbed her buttock, and boosted her up to help her board an ICE van outside an San Diego Office of Detention and Removal (DRO) facility in San Diego; Ms. (b)(6) was unable to climb into the van on her own while she was handcuffed behind her back.

At approximately 5:50 a.m. on April 22, 2010, at least four ICE agents went to Ms. (b)(6) home in San Marcos. They presented a photograph of a woman to Mr. (b)(6) and asked him if that person lived at the house. Mr. (b)(6) said that the woman did not live there and that he did not recognize her. After ICE officers learned that Mr. (b)(6) wife and two children lived with him, they asked to speak with Ms. (b)(6). Upon reviewing her identification documents, the officers informed Ms. (b)(6) that they had a deportation order against her. Ms. (b)(6) asked to see a warrant, but the officers allegedly said that she did not have a right to see a warrant. They escorted her to a van, handcuffed her, and allegedly kept her handcuffed in the van for five hours while they searched other buildings nearby, checking periodically on Ms. (b)(6). During that time, Ms. (b)(6) twice asked to be allowed to use a bathroom to relieve herself, but ICE officers allegedly denied her requests. The ACLU claims that because Ms. (b)(6) has gastritis, she still experiences stomach pains due to the effects of her confinement in the van that day.

Ms. (b)(6) was then transported to an ICE DRO facility in San Diego, where she was asked to sign papers and complete forms with medical questions. Allegedly, when (b)(6) said that she has gastritis, the officers did not write that on the form and instead told her she should have brought her medications. Ms. (b)(6) refused to sign any paperwork before consulting with a lawyer. The ICE officers allegedly replied that she would be allowed to speak to a lawyer after she signed the paperwork.

Ms. (b)(6) was eventually allowed to phone her attorney, who was out of the office at the time. The ICE officers reportedly did not allow her to call her attorney's office a second time when she requested to do so a short time later, and ICE officers then allegedly forcibly fingerprinted her. According to the ACLU, when the ICE officers tried to move Ms. (b)(6) into a hallway, ICE officers pulled Ms. (b)(6) into the hallway when she initially resisted moving. The letter states that next, "A female officer pinned Ms. (b)(6) hands behind her back and pushed her against a desk, where Ms. (b)(6) was fingerprinted on paper, once again by force."

Around 1:00 p.m., Ms. (b)(6) attorney arrived and spoke with her for about 15 minutes, largely through gestures, due to language barriers. The attorney reportedly believes that Ms. (b)(6) was trying to tell him that her arm hurt because she had been grabbed during the fingerprinting process. Later that day, Ms. (b)(6) was handcuffed behind her back, taken from the facility, and escorted to a van. A male ICE officer allegedly put his hand inside Ms. (b)(6) pants, grabbed her buttock, then boosted her up to get her into the van. The ACLU claims that Ms. (b)(6) felt violated by that alleged "groping." Ms. (b)(6) was then transported to the border and removed to Mexico.

Ms. (b)(6) requests that CRCL conduct an investigation of the conduct of the ICE officers in this matter, review the ICE arrest and detention procedures and training to determine whether changes are warranted, and arrange to have Ms. (b)(6) readmitted to the U.S. pursuant to humanitarian parole.

The ACLU copied the Assistant Secretary off ICE; the Field Office Director of ICE, San Diego Field Office; the Assistant Attorney General, DOJ Civil Rights Division; and Inspector General Richard Skinner on the correspondence.

Thank You,

(b)(6)

Review and Compliance Division
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(202) 351-(b)(6) VJ
(202) 401-4708(F)

From: (b)(6)
Sent: Tuesday, July 27, 2010 2:39 PM
To: (b)(6),(b)(7)(C)
Cc: ICE Opstasking; JOINT INTAKE; (b)(6),(b)(7)(C)
Subject: CRCL Referred-Plus Complaint Documents for a Matter Involving ICE
Attachments: ORIGINAL COMPLAINT (b)(6) 0001.pdf; REFERRED-PLUS MEMO (b)(6) 0001.pdf; REF FORM (b)(6) 0001.pdf

Dear ICE Colleagues,

Please see the attached complaint documents for a matter involving ICE. CRCL is treating this matter as a Referred-Plus complaint. As such, CRCL will be working with ICE, collaboratively, to complete a joint inquiry into the allegations.

Please let us know if you have any questions.

Regards,

(b)(6)
Senior Policy Advisor (Compliance)
Office for Civil Rights and Civil Liberties (CRCL)
U.S. Department of Homeland Security
Washington, DC
202-357-(b)(6) **New Phone Number as of 6/28/10)**
(b)(6)@dhs.gov

WARNING: This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: (b)(6)@dhs.gov]
Sent: Thursday, September 02, 2010 10:15 AM
To: (b)(6),(b)(7)(C)
Cc: (b)(6)
Subject: RE: Plan Onsite - (b)(6) CRCL Referred-Plus Complaint #10-09-ICE-0126)

(b)(6),(b)(7)(C)

First, welcome to DC (b)(6),(b)(7)(C) I'll look forward to hearing from you when time to plan this.

Have a great day.

(b)(6)

Senior Policy Advisor (Compliance)
Office for Civil Rights and Civil Liberties (CRCL)
U.S. Department of Homeland Security
Washington, DC
202-357-(b)(6) New Phone Number as of 6/28/10
(b)(6)@dhs.gov



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From: (b)(6),(b)(7)(C)@dhs.gov]
Sent: Wednesday, September 01, 2010 8:08 PM
To: (b)(6) (b)(6),(b)(7)(C)
Subject: Re: Plan Onsite - (b)(6) (CRCL Referred-Plus Complaint #10-09-ICE-0126)

Hi (b)(6)

Since we chatted last, I was transferred to DC. So, I will ask you to please contact my replacement, Ms. (b)(6),(b)(7)(C) the new OPR Special Agent in Charge, West. I'm sure she will be able to support your requests.

Thanks (b)(6),(b)(7)(C)

From: (b)(6)@dhs.gov>
To: (b)(6),(b)(7)(C)@dhs.gov>

Cc: (b)(6),(b)(7)(C)@dhs.gov; (b)(6)

Sent: Wed Sep 01 16:35:22 2010

Subject: Plan Onsite - (b)(6) (CRCL Referred-Plus Complaint #10-09-ICE-0126)

(b)(6),(b)(7)(C)

I'm back from my onsite investigation in Arizona. When possible, (b)(5)

(b)(5)

Thanks!

(b)(6)

Senior Policy Advisor (Compliance)
Office for Civil Rights and Civil Liberties (CRCL)
U.S. Department of Homeland Security
Washington, DC
202-357-(b)(6) **New Phone Number as of 6/28/10)**

(b)(6)@dhs.gov



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From: (b)(6)
Sent: Tuesday, July 27, 2010 3:35 PM
To: (b)(6),(b)(7)(C)
Subject: RE: Assistance

Hi, (b)(6), (b)(7)(C) Today I sent the complaint documents to ICE regarding the (b)(6) complaint. I'll let (b)(6),(b)(7)(C) know that they've gone out.

Non Responsive

(b)(6)

Senior Policy Advisor (Compliance)
Office for Civil Rights and Civil Liberties (CRCL)
U.S. Department of Homeland Security
Washington, DC
202-357-(b)(6) **New Phone Number as of 6/28/10)**
(b)(6)@dhs.gov

WARNING: This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

Non Responsive

From: (b)(6)@aclusandiego.org]
Sent: Tuesday, June 22, 2010 1:34 PM
To: (b)(6)
Subject: RE: DHS Office for Civil Rights and Civil Liberties

Dear (b)(6)

Ms. (b)(6) will be leaving the migrant home in Tijuana on June 25. Her new address and phone number will be:

(b)(6)

Yes, please cc myself and her husband, (b)(6). He moved recently and also has a new mailing address. It is:

(b)(6)

Thank you,

(b)(6)

Legal Fellow / Staff Attorney
ACLU of San Diego & Imperial Counties
619-232-2121 (b)(6)
(b)(6)@aclusandiego.org

From: (b)(6)@dhs.gov]
Sent: Tuesday, June 22, 2010 9:58 AM
To: (b)(6)@aclusandiego.org
Subject: DHS Office for Civil Rights and Civil Liberties

Dear (b)(6)

CRCL is preparing correspondence to you and to Ms. (b)(6) regarding the complaint you submitted to our office on June 11, 2010. For purposes of mailing correspondence to her regarding our handling of the complaint, is Ms. (b)(6) still at the Tijuana, Mexico address you provided?

Also, is it your and/or Ms. (b)(6) wish that her husband be cc'd on correspondence?

Regards,

(b)(6)

Senior Policy Advisor (Compliance)

Office for Civil Rights and Civil Liberties (CRCL)
U.S. Department of Homeland Security
Washington, DC

202-357-(b)(6)
(b)(6) [@dhs.gov](mailto: @dhs.gov)

WARNING: This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: (b)(6),(b)(7)(C)@dhs.gov]
Sent: Tuesday, July 27, 2010 3:43 PM
To: (b)(6)
Subject: Re: Referred-Plus Complaint Documents sent to ICE

Great. Thanks!

Sent using BlackBerry

From: (b)(6)@dhs.gov>
To: (b)(6),(b)(7)(C)@dhs.gov>
Sent: Tue Jul 27 15:39:21 2010
Subject: Referred-Plus Complaint Documents sent to ICE

(b)(6),(b)(7)(C)

I just transmitted to ICE the Referred-Plus complaint documents re (b)(6) I also alerted (b)(6),(b)(7)(C) that they've gone out. We can start planning the onsite now. Let me know if you have questions.

Have a great day,

(b)(6)

Senior Policy Advisor (Compliance)
Office for Civil Rights and Civil Liberties (CRCL)
U.S. Department of Homeland Security
Washington, DC
202-357 (b)(6) New Phone Number as of 6/28/10

(b)(6)@dhs.gov

WARNING: This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

Page 0081 of 1247

Withheld pursuant to exemption

(b)(5),(b)(6)

of the Freedom of Information and Privacy Act



P.O. Box 87131
San Diego, CA 92138-7131
T/ 619-232-2121
F/ 619-232-0036

June 11, 2010

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Review and Compliance
245 Murray Lane, SW
Building 410, Mail Stop #0800
Washington, DC 20528

Delivered via E-mail

To Whom It May Concern:

We write to bring your attention to some disturbing behavior on the part of several Immigrations and Customs Enforcement officers during a recent event in which (b)(6) (b)(6) was taken from her family and removed from the country.¹ Ms. (b)(6) whose husband and children are U.S. citizens, was taken from her home; handcuffed and detained in a van for several hours without access to a restroom, which caused her great pain on account of her gastritis; forcibly fingerprinted despite multiple requests to speak to her attorney; sexually assaulted by an ICE officer; then removed to Mexico. The treatment and conditions Ms. (b)(6) experienced were excessively harsh and likely violated Ms. (b)(6) constitutional rights as well as state and federal criminal law.

The Events of April 22, 2010

At approximately 5:50 am on April 22, 2010, at least four ICE agents knocked on the door of Ms. (b)(6) home at (b)(6) in San Marcos, California. Her husband, (b)(6) opened the door; the officers showed him a photograph of a woman and asked if that person lived there. Mr. (b)(6) told the officers that the woman did not live there and he did not recognize her. The officers then asked him who else lived at their address; he told them it

¹ Ms. (b)(6) is a class member in litigation related to *Perez-Gonzalez v. Ashcroft*, 379 F.3d 783 (9th Cir. 2004). The Court held in *Perez-Gonzalez* that individuals who had been previously removed but met certain procedural requirements were eligible to apply for adjustment to lawful permanent status. Ms. (b)(6) meets these procedural requirements. *Perez-Gonzalez* was overturned by *Duran Gonzales v. DHS*, 508 F.3d 1227 (9th Cir. 2007), but the *Duran Gonzales* appeal is still pending en banc in the Ninth Circuit, the result of which will bear on Ms. (b)(6) immigration issues.

was just him, Ms. (b)(6) and their two children. The officers requested to speak with Ms. (b)(6) who came to the door. When the officers showed Ms. (b)(6) the photo, she also verified that the woman in the photo was not her and that she did not know the woman. The officers asked Ms. (b)(6) and her husband if they were receiving the mail of the woman in the photo; they said no. The ICE officers then asked for Ms. (b)(6) name and identification. When Ms. (b)(6) opened her wallet to take out her California state ID, one of the officers saw her papers from the Mexican consulate and asked to see those as well. Ms. (b)(6) handed over both documents.

After taking her ID and papers, the ICE officers informed Ms. (b)(6) that they had a deportation order against her. Ms. (b)(6) asked to see a warrant, but the officers stated that she did not have a right to see a warrant. By this time Ms. (b)(6) children, who had been in bed, had woken up and come to the door and were crying. A female ICE officer told Ms. (b)(6) and her husband, in Spanish, to put the children in another room if they didn't want the children to "see anything violent happen." The officer then instructed Ms. (b)(6) to bring a sweater because they were going to take her into custody, so Ms. (b)(6) put on her shoes and a sweater. Ms. (b)(6) again asked the officers to show her the order of deportation, but they told her they were not going to do that and to please not make them use violence on her.

The officers escorted Ms. (b)(6) from her home to a van and handcuffed her, though she asked them not to. They kept her in the van for about five hours while they continued searching other buildings along the street, checking on Ms. (b)(6) occasionally. During this time, Ms. (b)(6) asked twice to go to the bathroom, but she was not allowed to do so and was told to shut up. Ms. (b)(6) suffers from gastritis and is still experiencing stomach pains from that morning, as she was not allowed to relieve herself the entire time she was in the van. She remained handcuffed while the officers completed their search and took her to the ICE facility on Front Street in downtown San Diego.

At the downtown facility, Ms. (b)(6) was asked to sign some papers and fill out forms with medical questions. Ms. (b)(6) noted that the ICE officers did not write anything down when she told them she had gastritis. Instead, they told her she should have brought her medications.

Ms. (b)(6) refused to sign anything before she got a phone call and spoke to a lawyer. The ICE officers told her she would be allowed to speak to a lawyer after she signed the papers. When she still refused to sign, one of the officers said to her in Spanish, "You are a woman and we're men, and we don't want to use force, because we have a right to." Ms. (b)(6) again requested a lawyer before signing anything. One of the officers pried Ms. (b)(6) fist open, forcibly putting her fingerprints on the form that she had refused to sign. Ms. (b)(6) pulled her hand back and asked the officers to wait until her lawyer had arrived. A supervisor said she didn't have to sign if she didn't want to, but after the supervisor left, one of the remaining officers told Ms. (b)(6) that she was not in charge there and had no rights.

After a while, the officers moved Ms. (b)(6) into a bigger room. They told her that since her husband knew she was being detained and no lawyer had come yet, clearly no lawyer was coming. The ICE officers finally let her make a phone call, but she could not get through to her

lawyer. The officers then dialed the number for Ms. (b)(6) and got through. Ms. (b)(6) spoke with her lawyer's assistant, who said the lawyer was out of the office and to wait for him to get back. The ICE officers told Ms. (b)(6) her lawyer didn't care about her so she should sign.

Ms. (b)(6) requested another phone call to her husband, and the officers said she could make one last call. When Ms. (b)(6) called her husband to tell him what was happening, she spoke with him in the Zapotec dialect, which angered the ICE officers. They claimed she was a terrorist because they could not understand her dialect, and Ms. (b)(6) said she hadn't done anything wrong. ICE insisted that Ms. (b)(6) and her husband were criminals; Ms. (b)(6) denied being a terrorist.

After the call to her husband, the officers told Ms. (b)(6) she was nobody there and that she was going to put her fingerprints down "either the good way or the bad way." Ms. (b)(6) again refused and said she wanted her lawyer. An officer responded that her lawyer was at lunch and that was her second warning. They said at the third warning, they could use violence, and if Ms. (b)(6) hurt them, they would sue her. Ms. (b)(6) said there was no way she could hurt them, they were too big for her.

The officers then said warning time was over. The officer who had fingerprinted her earlier grabbed her hand and forced all ten of her fingerprints onto a scanning machine, though Ms. (b)(6) pleaded with them to wait for her lawyer. The officer had to pull her arm back and forth to get all the prints, and when Ms. (b)(6) protested that they were getting her fingerprints by force, the officers told her to shut up.

The ICE officers then tried to move Ms. (b)(6) into the hallway. Ms. (b)(6) did not want to move, so the officers physically pulled her into the hallway. A female officer pinned Ms. (b)(6) hands behind her back and pushed her against a desk, where Ms. (b)(6) was fingerprinted on paper, once again by force. To take her prints, the female officer took one of Ms. (b)(6) hands and a male officer took the other hand. Someone told the female officer to loosen her grip on Ms. (b)(6) which she did, but Ms. (b)(6) had already been hurt.

Around 1:00 pm, after Ms. (b)(6) had been in the San Diego facility for a little more than an hour, her attorney arrived. He spoke with her for about 15 minutes largely through gestures, due to language barriers. Her attorney believed that Ms. (b)(6) was trying to tell him her arm was hurting because she had been grabbed during the fingerprinting process. He also spoke to an official who identified himself as the director of ICE operations on Front Street, who readily stated that the officers had tried to fingerprint Ms. (b)(6) and had used physical force when she did not cooperate.

Later that day, Ms. (b)(6) was handcuffed behind her back, taken out of the facility, and escorted to a van. Because her hands were cuffed behind her, she was unable to get into the vehicle. To "help" her into the van, a male ICE officer put his hand inside Ms. (b)(6) pants, grabbed her buttock, then boosted her up. Ms. (b)(6) felt violated by this groping and got very upset even relaying the incident several weeks later.

Ms. (b)(6) was then taken to the border and removed from the United States.

ICE Officers Sexually Assaulted Ms. (b)(6) Used Excessive Force, and Subjected Ms. (b)(6) to Unnecessarily Harsh Detention Conditions

Abusive Sexual Conduct and Sexual Battery

The ICE officer at the San Diego facility who put his hand inside Ms. (b)(6) pants and grabbed her buttock violated both state and federal law. It is inconceivable why an officer would need to put his hand *inside* a person's pants to assist her into a van.

A person has committed abusive sexual conduct under federal law if he, "in any prison, institution, or facility in which persons are held in custody by direction of ... the head of any Federal department or agency, knowingly engages in sexual contact with another person without that other person's permission." 18 U.S.C. § 2244. Sexual contact is "the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person." 18 U.S.C. § 2246. For the purposes of § 2244, the term "prison" includes detention facilities. *Id.* The ICE facility where Ms. (b)(6) was held falls within the scope of § 2244 because it is presumably used to hold people in custody, even if just for a short period. *See United States v. Urrabazo*, 234 F.3d 904, 906 (5th Cir. 2000) (U.S. Marshals' Service cell block in a federal courthouse qualified as a 'detention facility' because prisoners were held in custody there, albeit for only a few hours). Thus the requirements under 18 U.S.C. § 2244 were met and the officer who grabbed Ms. (b)(6) buttocks clearly committed abusive sexual conduct.

The officer also committed sexual battery under state law. Section 243.4 of the California Penal Code states:

Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

Cal. Penal Code § 243.4(a). Sexual battery is a felony punishable by up to four years in state prison or \$10,000. *Id.*; Cal. Penal Code § 17(a). Even if the initial restraint was lawful, if a person "takes advantage of ... lawful restraints and engages in acts for an improper purpose, such as sexual arousal or gratification," the restraint becomes unlawful during the illegal acts. *People v. Alford*, 235 Cal. App. 3d 799, 805 (Cal. Ct. App. 1991) (affirming sexual battery conviction of correctional officer who engaged in sexually abusive conduct while transporting handcuffed female inmates). Additionally, any person who touches an intimate part of another person against that person's will for the purpose of sexual arousal, sexual gratification, or sexual abuse is guilty of misdemeanor sexual battery. Cal. Penal Code § 243.4(e)(1). Because the ICE officer touched an intimate part of Ms. (b)(6) body against her will in a sexually abusive manner while she was handcuffed, he committed both felony and misdemeanor sexual battery.

California law also prohibits assaults by public officers. Cal. Penal Code § 149 provides:

Every public officer who, under color of authority, without lawful necessity, assaults or beats any person, is punishable by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the state prison, or in a county jail not exceeding one year, or by both such fine and imprisonment.

Cal. Penal Code § 149. It was clearly not necessary for the officer to put his hand inside Ms. (b)(6) pants or to grab her buttocks to help her into the van.

“Federal officers and employees are not, merely because they are such, granted immunity from prosecution in state courts for crimes against state law.” *New York v. DeVecchio*, 468 F. Supp. 2d 448, 454 (E.D.N.Y. 2007). In criminal prosecutions, “the immunity defense bars a state from prosecuting a federal agent for alleged violations of a state criminal law if (1) the federal agent was performing an act which he was authorized to do by the law of the United States and (2) in performing that authorized act, the federal agent did no more than what was necessary and proper for him to do.” *Id.* at 460. *See also Minnesota v. Weber*, 589 F. Supp. 2d 1170, 1172 (D. Minn. 2008). The ICE officer’s actions were neither necessary nor proper and therefore would not be immune from state prosecution.

Excessive Force and Unnecessarily Harsh Conditions

The unnecessarily harsh conditions under which Ms. (b)(6) was forced to remain handcuffed in a van for several hours, prohibited from relieving herself, likely violated her constitutional rights. Excessive force claims arising in the context of an arrest are governed by the Fourth Amendment, which protects people against unreasonable seizures. *Graham v. Connor*, 490 U.S. 386, 395 (1987). In determining whether government agents’ use of force is excessive, “the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” *Id.* at 397.

It was objectively unreasonable to keep Ms. (b)(6) in handcuffs for several hours while she was in the van, where she was monitored and outnumbered by ICE officers, had pleaded with the officers not to handcuff her, and gave no indication that she was a threat to the agents or anyone else.

It was also unreasonable to forbid Ms. (b)(6) from relieving herself for several hours. *See, e.g., Campbell v. City of Bakersfield*, 2006 U.S. Dist. LEXIS 49930, *88 (C.D. Cal. 2006) (“a detention pursuant to a search warrant may become unreasonable if it is unnecessarily prolonged, degrading or painful ... three refusals to use the restroom after six hours is arguably unnecessarily degrading and painful”); *Carroll v. Village of Homewood*, 2001 U.S. Dist. LEXIS 18857, *30-31 (N.D. Ill. 2001) (citing examples recognizing constitutional violations when government officers refuse to allow plaintiffs to use the restroom, and holding that “a jury could find that the officers’ denial of bathroom use [for one hour] was unreasonable”). Refusing to allow Ms. (b)(6) to use the bathroom was even more unreasonable in light of her medical

condition. Ms. (b)(6) continues to suffer from the gastritis effects of her prolonged confinement in the van.

Requested Action

In light of the ICE officers' egregious behavior and violations of Ms. (b)(6) constitutional rights, we request that the Office for Civil Rights and Civil Liberties investigate the behavior of the officers involved in the April 22 incidents, reprimand and take any other appropriate steps to hold those agents accountable for their actions. We also ask the Office to review ICE arrest and detention procedures and training to determine whether changes to those procedures and training are warranted. Furthermore, we request that Ms. (b)(6) be readmitted to the U.S. pursuant to humanitarian parole, in light of the harm inflicted upon Ms. (b)(6) the hardship of her deportation on her U.S. citizen husband and children, and the dynamic state of the applicable law governing her immigration issues.

Attached are the contact information for Ms. (b)(6) and witnesses to the events. Please feel free to contact (b)(6) at (619) 232-2121 ext. (b)(6) @aclusandiego.org if you have any questions.

Sincerely,

(b)(6)

Staff Attorney / Legal Fellow
ACLU of San Diego & Imperial Counties

cc: John Morton, Assistant Secretary, U.S. Immigration and Customs Enforcement
(b)(6),(b)(7)(C) Field Office Director, U.S. Immigration and Customs Enforcement, San Diego Field Office
Thomas Perez, Assistant Attorney General, U.S. Department of Justice, Civil Rights Division
Richard Skinner, Inspector General, Department of Homeland Security

From: (b)(6)@aclusandiego.org]
Sent: Friday, June 11, 2010 1:12 PM
To: Liberties, Civil
Subject: Civil Rights Complaint - (b)(6)
Attachments: DHS Civil Rights Complaint - (b)(6).pdf; Contact Information and Consent.pdf

To Whom It May Concern:

I am submitting a civil rights complaint on behalf of (b)(6) and her husband, (b)(6).
(b)(6) Please find attached the detailed complaint and contact information.

Sincerely,

(b)(6)
Legal Fellow / Staff Attorney
ACLU of San Diego & Imperial Counties
619-232-2121 (b)(6)
(b)(6)@aclusandiego.org

CONTACT INFORMATION

Complainants

(b)(6)

Date of birth: (b)(6)
Address:

San Marcos, CA 92068

Currently at: (b)(6) migrant home)

(b)(6)

Tijuana, B.C., Mexico

Phone: (b)(6) migrant home)

(b)(6)

(b)(6)

Address: (b)(6)

San Marcos, CA 92068

Phone: (760) (b)(6) home)
(619) (b)(6) cell)

(b)(6)

Filed on Behalf of (b)(6) by

(b)(6)

ACLU of San Diego & Imperial Counties

P.O. Box 87131

San Diego, CA 92138

(619) 232-2121 ext. (b)(6)

(b)(6) @aclusandiego.org

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Review and Compliance
245 Murray Lane, SW
Building 410, Mail Stop #0800
Washington, DC 20528

May 27, 2010

To Whom It May Concern:

I, (b)(6) authorize the Department of Homeland Security to share information with the ACLU of San Diego & Imperial Counties about the complaint filed on behalf of myself and my wife, (b)(6) regarding the actions of ICE officers on April 22, 2010.

Sincerely,

(b)(6)

San Marcos, CA 92078

(760) (b)(6) (home)

(619) (b)(6) (cell)



Homeland
Security

July 26, 2010

(b)(6)

Oaxaca, Mexico 68745

Re: Complaint No. 10-09-ICE-0126

Dear Ms. (b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) received information from the ACLU of San Diego & Imperial Counties on June 11, 2010, concerning your treatment by employees or officials of Immigration and Customs Enforcement (ICE) at San Marcos and San Diego, California, on April 22, 2010.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against Department of Homeland Security (DHS) employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion.

CRCL takes allegations of violations of civil rights and civil liberties very seriously. We have determined that your allegations should be jointly investigated by Immigration and Customs Enforcement (ICE), a component of DHS, and by CRCL. In particular, we will work with ICE to review the following issues:

1. Whether the April 22, 2010 ICE operation was conducted in accordance with ICE policies and procedures;
2. Whether you were mistreated by ICE officers during your arrest;
3. Whether you were afforded the proper accommodations by the ICE officers when you reported your medical condition and your need to use a restroom;
4. Whether you were mistreated by ICE officers during processing at the downtown San Diego ICE facility (including access to a telephone, and legal access);
5. Whether ICE officers used excessive force to obtain your fingerprints;
6. Whether an ICE officer engaged in sexual misconduct when placing you in a DHS vehicle for your removal from the United States;
7. Whether your deportation was conducted in accordance with federal law and DHS policy.

We will work with ICE to review findings and assess compliance with civil rights requirements in these areas. The purpose of this process is to determine if your allegations raise issues that should and can be addressed by the management of the Department of Homeland Security.

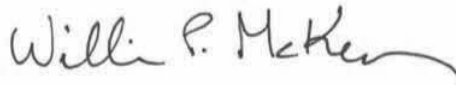
Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

ICE or CRCL will contact you if additional information is needed or to report on the Department's review of this matter. If you have any questions concerning this referral, you may contact CRCL by phone at 1-866-644-8360, 1-866-644-8361 (TTY), or by email at crcl@dhs.gov. When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

We thank you for your complaint; inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how the Department concluded this matter.

Sincerely,



William P. McKenney
Director for Review and Compliance
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Copies to:

(b)(6)

Staff Attorney/Legal Fellow
ACLU of San Diego & Imperial Counties
P.O. Box 87131
San Diego, CA 92138-7131

(b)(6)

San Marcos, CA 92069



Homeland
Security

DATE: July 26, 2010

MEMORANDUM FOR:

(b)(6), (b)(7)(C)

Acting Deputy Director
Office of Professional Responsibility
Immigration and Customs Enforcement

Peter S. Vincent
Principal Legal Advisor
Immigration and Customs Enforcement

FROM:

William P. McKenney *WPM*
Director for Review and Compliance
Office for Civil Rights and Civil Liberties

(b)(6)

Attorney Advisor
Office of General Counsel

SUBJECT:

Complaint No. 10-09-ICE-0126

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that Immigration and Customs Enforcement (ICE) has violated an individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and to request that the appropriate office within ICE works in collaboration with CRCL staff to complete a joint inquiry into the enclosed complaint within 180 days of the date of this referral. Please see the attached Referred Complaint Assistance Form for guidance regarding this inquiry.

CRCL authorities. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in DHS Management Directive 3500. We have received information concerning the above listed complaint that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

Access to information. More particularly, 42 U.S.C. § 2000ee-1(d) grants this Office access to the "information, material, and resources necessary to fulfill the functions" of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

Protected by Attorney-Client and Deliberative Process Privileges

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require[] cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

Reprisals forbidden. In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

Privilege and required transparency. Our communications with ICE personnel and documents generated during this review will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 42 U.S.C. § 2000ee-1(f)(2), however, we submit quarterly reports to Congress—which are also posted on CRCL’s website—that provide, inter alia, “the type of advice provided and the response given to such advice;” and “a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.”

When the inquiry is complete, please provide CRCL with ICE’s findings and recommendations. CRCL will review them in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed this complaint, and will provide you with any recommendations resulting from this complaint.

If you have any questions concerning this complaint, please do not hesitate to contact my colleague, (b)(6) by phone at 202-357-(b)(6) 1-866-644-8331 (TTY), or by email at (b)(6)@dhs.gov.

Copies to:

ice.opstasking@dhs.gov

joint.intake@dhs.gov

(b)(6),(b)(7)(C)

Office of Professional Responsibility
Immigration and Customs Enforcement

Enclosures

Protected by Attorney-Client and Deliberative Process Privileges

2



Homeland
Security

OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
REFERRED COMPLAINT ASSISTANCE FORM

REFERRED COMPLAINT ASSISTANCE	
Assigned To:	Immigration and Customs Enforcement (ICE)
Requested From:	DHS Headquarters Office for Civil Rights and Civil Liberties (CRCL)
CRCL POC:	(b)(6) Senior Policy Advisor (Compliance), 202-357 (b)(6) (b)(6) @dhs.gov.
Date Referred to ICE:	July 20, 2010
Deadline to CRCL:	Within 180 days of the date on the attached memo.
CRCL Complaint No:	10-09-ICE-0126
SYNOPSIS	
On June 11, 2010, CRCL received a complaint from (b)(6) which was referred to our Office by the ACLU of San Diego & Imperial Counties, alleging that ICE officers mistreated Ms. (b)(6) during her arrest, processing, and deportation on April 22, 2010. According to the complaint, Ms. (b)(6) was removed from her home in San Marcos, California; handcuffed and detained in a van for several hours where she was denied access to a restroom despite reporting her medical need; forcibly fingerprinted though she requested to speak to her attorney prior to fingerprinting; and groped in a sexual manner as she was being placed in a DHS vehicle for deportation purposes.	
ISSUES/ALLEGATIONS	
Issues/Allegations to be addressed in ICE Fact Finding Report/ROI submitted to DHS CRCL:	1. (b)(5), (b)(6) 2. 3. 4. 5. 6. 7.
Information/Documents requested by DHS CRCL:	(b)(5), (b)(6)

Protected by Attorney-Client and Deliberative Process Privileges

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: 10-09-ICE-0126 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2010-06-22 12:31	Created	Task		6640	(b)(6)	migrated
DhsComplaint	2010-06-22 12:31	Created			6640		migrated
DhsComplaint	2010-06-22 12:31	Edited			6640		migrated
DhsComplaint	2010-06-22 12:31	Edited	Task: Assignment: Assigned matter From (b)(6) To: DHS Due: 2010-12-08 17:00:39.055		6640		migrated
DhsComplaint	2010-06-22 12:39	Edited			6640		migrated
DhsComplaint	2010-06-22 12:39	Note Added	Sent to IG:		6640		migrated
DhsComplaint	2010-06-22 17:18	Document Added	Document: Acknowledgement Letter (b)(6)		6640		migrated
DhsComplaint	2010-06-22 17:21	Document Added	Document: 6 11 2010 (b)(6)		6640		migrated
DhsComplaint	2010-06-22 17:25	Document Added	Document: 6 11 2010 (b)(6)		6640		migrated
DhsComplaint	2010-06-22 17:27	Document Added	Document: 6 11 2010 (b)(6)		6640		migrated
DhsComplaint	2010-06-23 12:48	Document Added	Document: Complaint No. 10-09-ICE-0126 From IG		6640		migrated
DhsComplaint	2010-06-23 12:48	Document Added	Document: Complaint No. 10-09-ICE-0126 From IG 1		6640		migrated

DhsComplaint	2010-06-23 12:50	Edited				(b)(6)	migrated
DhsComplaint	2010-06-23 12:50	Note Added	From IG:			6640	migrated
DhsComplaint	2010-06-23 12:51	Edited				6640	migrated
DhsComplaint	2010-06-23 12:51	Note Added	To awaiting Recommendation:			6640	migrated
DhsComplaint	2010-06-23 16:14	Note Added	(b)(6) received referral documents and approved same day.			6640	migrated
DhsComplaint	2010-06-23 19:09	Edited				6640	migrated
DhsComplaint	2010-06-23 19:25	Document Added	Document: ICE Email - request for A #			6640	migrated
DhsComplaint	2010-07-01 11:10	Edited				6640	migrated
DhsComplaint	2010-07-01 11:10	Note Added	Recommendation Submitted: (b)(5) (b)(5),(b)(6)			6640	migrated
DhsComplaint	2010-07-09 20:18	Note Added	On 7/11/10 (b)(6) contacted (b)(6),(b)(7)(C) (b)(5),(b)(6) put (b)(7) in contact with the ASAC in the area to discuss. ASAC (b)(6),(b)(7)(C) reported that they'd been waiting to investigate the compla int for some time but were told to wait for the CRCL paperwork. (b)(6) told him it would likely go out during the week of 7/12 and they would talk again then.			6640	migrated
DhsComplaint	2010-07-12 14:27	Edited	Task: Assignment: Assigned matter From (b)(6) To (b)(6) Due: 2010-12-08 17:00:39.0			6640	migrated
DhsComplaint	2010-07-12 14:27	Note Added	Approved (to Back From Officer): I think I already approved this, as a referred plus.			6640	migrated
DhsComplaint	2010-07-12 14:27	Edited				6640	migrated
	2010-	Document	Document: REFERRED-PLUS LTR (b)(6)				

DhsComplaint	07-27 16:49	Added	(b)(6) 0001			6640	(b)(6)	migrated
DhsComplaint	2010- 07-27 16:49	Document Added	Document: REFERRED-PLUS MEMO (b)(6) 001			6640		migrated
DhsComplaint	2010- 07-27 16:49	Note Added	Referred: This is a Referred-Plus Complaint			6640		migrated
DhsComplaint	2010- 07-27 16:49	Edited				6640		migrated
DhsComplaint	2010- 07-27 17:15	Document Added	Document: Email with (b)(6),(b)(7)(C)			6640		migrated
DhsComplaint	2010- 07-27 17:15	Document Added	Document: Email to SAC (b)(6),(b)(7)(C)			6640		migrated
DhsComplaint	2010- 07-27 17:15	Document Added	Document: Documents Emailed to ICE			6640		migrated
DhsComplaint	2010- 07-27 17:15	Document Added	Document: REF FORM (b)(6) (b)(6) 001			6640		migrated
DhsComplaint	2010- 07-27 17:17	Document Added	Document: Email with ACLU - New Address			6640		migrated
DhsComplaint	2010- 09-02 16:09	Document Added	Document: Email New ICE ASAC re Onsite			6640		migrated
DhsComplaint	2010- 09-02 16:12	Note Added	When contacted San Diego area OPR ASAC to talk about onsite plans, was informed that he was leaving and there would be a new ASAC, so to hold off for a bit. On 9/2/10 sent another email and was introduced to the new ASAC (b)(6),(b)(7)(C). In follow-up ema	il on 9/2 asked her to contact me to plan.		6640		migrated
DhsComplaint	2010- 09-29 13:54	Create	From Matters	migration		6640		migration
DhsComplaint	2011- 09-09 12:16	Update	External Tracking Number	(b)(6)		6640		User Change
DhsComplaint	2011- 09-09	Update	Days to Process	455		6640		User Change

	12:16					(b)(6)			
DhsComplaintAction	2013-01-22 07:54	Create	Reporting Summary	CRCL and ICE conducted a joint onsite investigation into these allegations. Based on records reviews and interviews with involved ICE personnel, ICE and CRCL concluded that the allegations were unfounded.	109282			User Change	
DhsComplaintAction	2013-01-22 07:54	Create	Document	10-09-ICE-0126 Close Memo FINAL.pdf	109282			User Change	
DhsComplaintAction	2013-01-22 07:54	Create	Action Date	01/22/2013	109282			User Change	
DhsComplaintAction	2013-01-22 07:54	Create	Internal Summary	CRCL and ICE conducted a joint onsite investigation into these allegations. Based on records reviews and interviews with involved ICE personnel, ICE and CRCL concluded that the allegations were unfounded.	109282			User Change	
DhsComplaintAction	2013-01-22 07:54	Create	Action	Closed - Referred/No Further Action	109282			User Change	
DhsComplaintAction	2012-11-14 09:43	Update	Secondary Assignment	(b)(6)	101703			User Change	
DhsComplaintAction	2012-11-14 09:43	Update	Primary Assignment	(b)(6)	101703			User Change	
DhsComplaintAction	2012-10-25 11:35	Update	Secondary Assignment	(b)(6)	101703			User Change	
DhsComplaintAction	2012-10-25 11:35	Update	Primary Assignment	(b)(6)	101703			User Change	
DhsComplaintAction	2011-02-10 13:29	Update	Primary Assignment	(b)(6)	101703			User Change	
DhsComplaintAction	2011-02-09 11:33	Update	Primary Assignment	(b)(6)	101703			User Change	
DhsComplaintDocument	2013-01-22 07:55	Create	Dateentered	01/22/2013	89186			User Change	

DhsComplaintDocument	2013-01-22 07:55	Create	Document Type	Miscellaneous Material/Other	89186	(b)(6)	User Change
DhsComplaintDocument	2013-01-22 07:55	Create	Foreign Language	No	89186		User Change
DhsComplaintDocument	2013-01-22 07:55	Create	Comments	(b)(5)	89186		User Change
DhsComplaintDocument	2013-01-22 07:55	Create	Document 1	FW_Closing memo_letter with ICE email.pdf	89186		User Change
DhsComplaintDocument	2013-01-22 07:55	Create	Dateentered	01/22/2013	89185		User Change
DhsComplaintDocument	2013-01-22 07:55	Create	Document Type	Closed Letter	89185		User Change
DhsComplaintDocument	2013-01-22 07:55	Create	Foreign Language	No	89185		User Change
DhsComplaintDocument	2013-01-22 07:55	Create	Document 1	10-09-ICE-0126 Close Letter FINAL.pdf	89185		User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Color		12199		User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Disability		12199		User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Other Issue		12199		User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Race		12199		User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Comments	07/01/2010: Recommendation Submitted: Referred Plus to ICE - Assign to (b)(6)	12199		User Change
				07/09/2010: Approved (to Back From Officer):I think I already			

					approved this, as a referred plus. RECOMMENDATION: (b)(5) (b)(5), (b)(6)	(b)(6)	
DhsComplaintIssue	2011-08-12 13:39	Update	(b)(5)		(b)(5)	12199	User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Religion			12199	User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Situation		DHS law enforcement activity	12199	User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Redirect to Subject		No	12199	User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Incident Location Type			12199	User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Sex			12199	User Change

IMMIGRATION COURT
625 EVANS STREET, ROOM 148A
ELIZABETH, NJ 07201

In the Matter of

(b)(6)

Respondent

Case No.: (b)(6)

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on FEBRUARY 25, 2010.
This memorandum is solely for the convenience of the parties. If the
proceedings should be appealed or reopened, the oral decision will become
the official opinion in the case.

[X] The respondent was ordered removed from the United States to SAUDI
ARABIA.

- [] Respondent's application for voluntary departure was denied and
respondent was ordered removed to or in the
alternative to .
- [] Respondent's application for voluntary departure was granted until
upon posting a bond in the amount of \$ _____
with an alternate order of removal to .

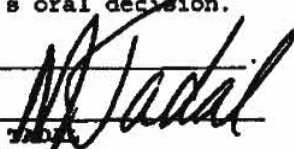
Respondent's application for:

- [] Asylum was () granted () denied () withdrawn.
- [] Withholding of removal was () granted () denied () withdrawn.
- [] A Waiver under Section _____ was () granted () denied () withdrawn.
- [] Cancellation of removal under section 240A(a) was () granted () denied
() withdrawn.

Respondent's application for:

- [] Cancellation under section 240A(b)(1) was () granted () denied
() withdrawn. If granted, it is ordered that the respondent be issued
all appropriate documents necessary to give effect to this order.
- [] Cancellation under section 240A(b)(2) was () granted () denied
() withdrawn. If granted it is ordered that the respondent be issued
all appropriated documents necessary to give effect to this order.
- [] Adjustment of Status under Section _____ was () granted () denied
() withdrawn. If granted it is ordered that the respondent be issued
all appropriated documents necessary to give effect to this order.
- [] Respondent's application of () withholding of removal () deferral of
removal under Article III of the Convention Against Torture was
() granted () denied () withdrawn.
- [] Respondent's status was rescinded under section 246.
- [] Respondent is admitted to the United States as a _____ until _____.
- [] As a condition of admission, respondent is to post a \$ _____ bond.
- [] Respondent knowingly filed a frivolous asylum application after proper
notice.
- [] Respondent was advised of the limitation on discretionary relief for
failure to appear as ordered in the Immigration Judge's oral decision.
- [] Proceedings were terminated.
- [] Other: _____

Date: Feb 25, 2010


MIRLANDE TADI
Immigration Judge

Appeal: RESERVED BY APPLICANT

APPEAL: March 29, 2010

Board of Immigration Appeals - Case Appeal**A Number:** (b)(6) **Lead:** (b)(6) **Chg. Doc. Date:** 01/13/2010(b)(6) **Gen:** 1 **SubGen:** 1**Base City:** ELZ **Hearing Location:** ELZ**Nationality:** SAUDI ARABIA**IJ Decision:** 02/25/2010**Decision:** Remove**Other Comp:****Type:** RMV**Appeal Filed:** 06/14/2010**By:** Alien IJ**Case Appea.****Custody Status:** Detained**Briefing Schedule****Alien****INS****Served on Parties:****Originally Due:****Currently Due:****Briefs Received:** 06/14/2010**Oral Arg. Requested:**

No

No

To/From Appellate Counsel:**BIA Decision:** 06/30/2010

NJU

Aministrative Final Order:

Alien has removal order

New A Number

Patch Level: Ready for Production Deployment

U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: (b)(6) Elizabeth, NJ

Date: JUN 30 2010

In re: (b)(6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

A Notice of Appeal (Form EOIR-26) must be filed within 30 calendar days of an Immigration Judge's oral decision or the mailing of a written decision unless the last day falls on a weekend or legal holiday, in which case the appeal must be received no later than the next working day. 8 C.F.R. § 1003.38(b), (c). In the instant case, the Immigration Judge's decision was rendered orally on February 25, 2010. The appeal was accordingly due on or before March 29, 2010. The record reflects, however, that the Notice of Appeal was filed with the Board of Immigration Appeals on June 14, 2010. We find that the appeal is untimely. The Immigration Judge's decision is accordingly now final, and the record will be returned to the Immigration Court without further action. See 8 C.F.R. §§ 1003.3(a), 1003.38, 1003.39, 1240.14 and 1240.15.

We note that because we are dismissing the appeal for lack of jurisdiction, either party wishing to file a motion in this case should follow the following guidelines: If you wish to file a motion to reconsider challenging the finding that the appeal was untimely, you must file your motion with the Board. However, if you are challenging any other finding or seek to reopen your case, you must file your motion with the Immigration Court. See *Matter of Mladineo*, 14 I&N Dec. 591 (BIA 1974); *Matter of Lopez*, 22 I&N Dec. 16 (BIA 1998). You should also keep in mind that there are strict time and number limits on motions to reconsider and motions to reopen. See sections 240(c)(6)(A) & (B) and 240(c)(7)(A) & C of the Immigration and Nationality Act, 8 U.S.C. §§ 1229a(c)(6)(A) & (B) and (c)(7)(A) & C; 8 C.F.R. §§ 1003.2(c)(2), 1003.23(b)(1); *Matter of J-J-*, 21 I&N Dec. 976 (BIA 1997).

In light of the foregoing, the following order will be entered.

ORDER: The record is returned to the Immigration Court without further action.



FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
ELIZABETH, NEW JERSEY

File No.: (b)(6)

In the Matter of:

(b)(6)

Respondent.

IN REMOVAL PROCEEDINGS

ON BEHALF OF RESPONDENT

(b)(6)

Pro Se

ON BEHALF OF DHS

Office of Chief Counsel/ICE/DHS
625 Evans Street, Room 135
Elizabeth, New Jersey 07201

INTERLOCUTORY DECISION & ORDER OF THE IMMIGRATION JUDGE

I. Facts and Procedural History

(b)(6) ("Respondent"), a native and citizen of Saudi Arabia, was admitted to the United States ("U.S.") at New York, New York, on or about May 7, 2006 as a nonimmigrant student to attend classes (b)(6) New York, New York. On or about January 8, 2007, Respondent transferred to (b)(6) (b)(6). On or about September 15, 2009, Respondent stopped attending classes at (b)(6) and his student status was thus terminated. On January 13, 2010, Respondent was detained and a Notice to Appear ("NTA") was issued by the Department of Homeland Security ("DHS") charging him removable in violation of INA § 237(a)(1)(C)(i)¹ under the foregoing facts. (Exh. 1).

On January 19, 2010, Respondent appeared for a Master hearing. The Court provided Respondent the opportunity to seek counsel, but he voluntarily chose to represent himself. Respondent admitted allegations 1 through 4; denied allegation 5; and denied the charge of removability under INA § 237(a)(1)(C)(i). Specifically, Respondent claimed that his student status was not terminated after September 15, 2009. DHS submitted written correspondence from (b)(6) Associate Director, International Students & Scholars Office, Columbia University, dated November 13, 2009. (Exh. 2).

On February 8, 2010, Respondent appeared *pro se* before the Court for a Master hearing. Respondent contested the charge under INA § 237(a)(1)(C)(i) and maintained

¹ INA § 237(a)(1)(C)(i) states "[A]ny alien who was admitted as a nonimmigrant and who has failed to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248, or to comply with the conditions of any such status, is deportable." *Id.*

that his student status was not terminated after September 15, 2009. In support of his claim, Respondent submitted electronic mail from (b)(6) Immigration Advisor, (b)(6) dated November 4, 2009. (Exh. 3)

II. Findings of the Court

8 C.F.R. § 1240.8(c) and INA § 240(c)(2)(B) establish definitive burdens of proof in removal proceedings. In pertinent part, the foregoing regulation and statute state:

“Once the alienage has been established, unless the respondent demonstrates by *clear and convincing evidence* that he or she is lawfully in the United States pursuant to a prior admission, the respondent must prove that he or she is clearly and beyond a doubt entitled to be admitted to the United States and is not inadmissible as charged.” 8 C.F.R. § 1240.8(c)(emphasis added); and

“In the proceeding the alien has the burden of establishing by *clear and convincing evidence*, that the alien is lawfully present in the United States pursuant to a prior admission.” INA § 240(c)(2)(B)(emphasis added).

Respondent admitted his alienage and does not contest this allegation in the NTA. As such, the burden of proof shifted to Respondent to demonstrate by “clear and convincing evidence” that he is “lawfully in the United States pursuant to a prior admission.” *Id.* In support of his claim that his student status was not terminated, Respondent stated that he “registered for the fall [semester], attended the first week [of classes]” and after September 15, 2009, he “was in the process to sort (sic) the problem to update his registration.” (Hearing Tape, Jan. 19, 2010, minute 3:25). Respondent submitted a November 4, 2009 electronic correspondence from an Immigration Advisor at (b)(6) with the subject “Deadline for I-20 extensions” and a list of five “important points” about his immigration status. (Exh. 3).

When specifically asked whether he re-registered and became a full-time student after September 15, 2009, Respondent stated “no.” (Hearing Tape, Jan. 19, 2010, minute 3:55). Additionally, the November 4, 2009 correspondence submitted by Respondent was in the form of electronic mail, unofficial, informal correspondence, and not of legal import to be relied upon. The same correspondence further notified Respondent that he was a “student in F-1 status whose I-20 expires at the end of the fall semester ... on December 11, 2009” and advised him to “stop by [the Office of Immigration Advising] immediately should [he] have any questions or concerns.” (Exh. 3, (b)(6) (b)(6) Nov. 4, 2009). Moreover, DHS submitted correspondence from (b)(6) Associate Director, International Students & Scholars Office, Columbia University, on official letterhead specifically indicating that after September 15, 2009, Respondent “was no longer enrolled by the University. He was withdrawn by the school for failure to attend class.” (Exh. 2, (b)(6) Nov. 13, 2009).

Respondent's testimony that he "[only] attended the first week" of classes in the fall semester contradicts his position that his student status was not terminated after September 15, 2009. Respondent has not presented any official objective evidence to demonstrate that he maintained his student status at (b)(6) after September 15, 2009. Based on the foregoing, Respondent has failed to present "clear and convincing evidence" under 8 C.F.R. § 1240.8(c) and INA § 240(c)(2)(B), that after September 15, 2009, he was "lawfully in the United States pursuant to a prior admission." *Id.*

III. Conclusion

Respondent's submission in support of his claim does not show that he maintained his student status at (b)(6) after September 15, 2009. Therefore, the court sustains the allegation that Respondent is removable as charged according to INA § 237(a)(1)(C)(i).

ORDER

IT IS ORDERED that the charge under INA § INA § 237(a)(1)(C)(i) is SUSTAINED.

IT IS FURTHER ORDERED that Respondent return to court on February 18, 2010 at 8:30 a.m. for a Master Calendar Hearing to present any applications for relief.

Date

2/9/2010


Mirlande Padal
Immigration Judge

Escort Threat Assessment

For use when determining need for escorts when transporting via commercial air carrier.

Alien name: (b)(6)
Date of birth: (b)(6) Sex: M ☒ / F ☐
Field/sub office: Newark/Elizabeth

A# (b)(6)
Country of citizenship: Saudi Arabia

I. THREAT TO NATIONAL SECURITY/TERRORIST NEXUS: No ☒ / Yes ☐ (Yes = 3b = escort)

II. EVALUATION:

A. Criminal history that demonstrates current propensity toward violent behavior: (list/explain)
None

B. Escape history: (list/explain)
None

C. Disciplinary incidents while in custody: (list type of incident and sanction)
Subject refused removal on 4/12/2010.

III. SPECIAL CONCERNS:

☐ Known management problem ☐ Medical problem/physical impairment ☒ Other: (specify)
☐ Serious violence threat ☐ Psychological/mental impairment
☐ Known gang affiliation ☐ Suicide risk

Describe concern(s): Subject refused removal on April 12, 2010.

IV. RECOMMENDED CLASS DESCRIPTOR: 3

(b)(6), (b)(7)(C)

Printed name and title of classification officer

Signature of classification officer

4/13/2010

Date

V. SUPERVISORY REVIEW: ☒ Concur ☐ Do Not Concur

Comments:

(b)(6), (b)(7)(C)

Printed name and title of supervisor

Signature of supervisor

4/13/2010

Date

VI. FINAL CLASS DESCRIPTOR: 3 ESCORT: ☒ Yes / ☐ No NUMBER OF ESCORT OFFICERS: 2

WOULD THIS REMOVAL REQUIRE AN ESCORT UNDER THE 2002 ESCORT POLICY?: ☒ Yes / ☐ No

Comments:

(b)(6), (b)(7)(C)

Printed name and title of authorizing official

Signature of authorizing official

4/13/10
Date

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Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act

From: (b)(6)
To: [Redacted]
Cc:
Subject: RE: CRCL Complaint no. 10-10-ICE-0164
Date: Tuesday, August 17, 2010 12:49:15 PM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@dhs.gov]
Sent: Monday, August 16, 2010 5:37 PM
To: (b)(6)
Cc: [Redacted]
Subject: CRCL Complaint no. 10-10-ICE-0164

(b)(6)

Please review new complaint no. 10-10-ICE-0164:

On July 13, 2010, CRCL received a letter from (b)(6) a Saudi Arabian citizen who was arrested by ICE for failing to comply with the terms of his student visa. Mr. (b)(6) states that on January 13, 2010, officers entered his apartment without his consent, notice, or court papers. Mr. (b)(6) states that he informed ICE personnel that his immigration case was currently before the Board of Immigration Appeals, however, ICE personnel repeatedly disregarded the BIA process, and gave Mr. (b)(6) additional paperwork to sign related to his deportation and final order of removal.

Mr. (b)(6) states that he was forcibly placed on a Delta flight to Cairo out of JFK; DHS employees dragged a handcuffed Mr. (b)(6) through the airport, pushing him on the right, left and backside, until he was placed on the plane. On the plane, his hands were cuffed behind his back to a belt fastened around his waist. After much discussion between the DHS officers and the captain of the plane, the captain determined that he did not want Mr. (b)(6) on his flight. Mr. (b)(6) was taken off the flight and escorted to the Elizabeth Detention Center for the night. Elizabeth Detention Center did not complete any health checks when Mr. (b)(6) arrived in their custody. Mr. (b)(6) was recharged, and taken back to Essex County Jail.

Mr. (b)(6) asks for justice against those who infringed upon his rights.

NOTE: According to EARMS, Mr. (b)(6) is not an aggravated felon and is currently being held at the Essex County Jail.

Please reply to me, with copy to (b)(6)

Thanks,

(b)(6)

Policy Advisor

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

202-357-(b)(6) (New phone number as of June 28, 2010)

(b)(6)@hq.dhs.gov

SHORT FORM COMPLAINT CLOSURE RECOMMENDATION

To: Tamara Kessler
From: (b)(6)
Date: May 9, 2011
Complaint: (b)(6) 10-10-ICE-0164¹

Recommendation:

☐ Close: Insufficient information, withdrawal, or lack of jurisdiction ☒ Close: Issue(s) resolved	☐ Convert into long-form complaint ☐ Other:
---	--

Complaint Synopsis:

On July 13, 2010, CRCL received a letter from (b)(6) a Saudi Arabian citizen who was arrested by ICE for failing to comply with the terms of his student visa. Mr. (b)(6) states that on January 13, 2010, he was arrested by ICE, processed, and transferred to Elizabeth Detention Facility in Elizabeth, New Jersey. Mr. (b)(6) alleges that while in detention, ICE actively continued steps to effect his removal despite the fact that he had informed ICE personnel that his immigration case was currently before the Board of Immigration Appeals. (BIA). Mr. (b)(6) alleges that ICE personnel repeatedly disregarded the BIA process by giving him additional paperwork to sign related to his deportation and final order of removal. Further, it is alleged that while his BIA appeal was pending, Mr. (b)(6) was placed on a flight for removal from the country. Additionally, Mr. (b)(6) complains that while he was being escorted to the flight, he was handcuffed and pushed by officers. According to Mr. (b)(6) once the officers seated and belted him, the captain of the flight approached officers. The captain eventually decided that Mr. (b)(6) would not fly, so officers escorted Mr. (b)(6) to Essex County Jail in Newark, New Jersey. Mr. (b)(6) alleges that his shirt was "worn off" from the officer's actions, and he did not receive an adequate medical checkup after being admitted to Essex County Jail, after the removal attempt.

Suggested closure method(s):

- | | |
|---|---|
| ☒ Close letter to complainant | ☐ Close email/memo to component |
| ☐ Phone call | ☐ High level component communication |
| ☐ Meeting (e.g. mediation, settlement) | ☐ No notification necessary |

Explanation (Attach any relevant information used in making the recommendation).

We addressed the following in regard to Mr. (b)(6) complaint:

- Whether ICE attempted to remove Mr. (b)(6) while he had an appeal pending with the Board of Immigration Appeals (BIA).
- Whether ICE appropriately handled Mr. (b)(6) during the removal attempt.
- Whether Essex County Jail provided Mr. (b)(6) an adequate entry medical evaluation after returning from the removal attempt.

¹ The complainant was removed from the United States on August 24, 2010. With no contact information available, CRCL is unable to send a close letter to the complainant.

Protected by deliberative process privileges

Mr. (b)(6) was ordered removed on February 25, 2010, with an appeal reserved until March 29, 2010. As Mr. (b)(6) did not file an appeal until after March 29, 2010, his order would have become final on that date. ICE first attempted to remove Mr. (b)(6) on April 12, 2010, following the removal order having converted to a final order.²

On April 12, 2010, Mr. (b)(6) was to be removed without an escort by ICE officers, but he refused to depart on the flight. Because of his refusal to fly, Mr. (b)(6) was reclassified as level 3, which required him to be escorted by ICE officers during his removal. During a second removal attempt on May 17, 2010, with escorts, he was handcuffed due to his new classification level. This removal attempt was also unsuccessful, as the pilot removed Mr. (b)(6) and his escorts from the flight for unknown reasons, but likely due to the pilots discomfort with a handcuffed passenger being on the flight. There is no indication in the file that force was used by facility staff or by ICE Officers during either removal attempt, as indicated by the allegation that the complainant's shirt was "worn off."

According to BIA records, the BIA received an appeal brief on June 14, 2010, which it accepted. On June 30, 2010, the BIA upheld the Immigration Court's decision. ICE did not attempt to remove Mr. (b)(6) while his appeal was pending between June 14 and June 30, 2010. In addition, ICE had difficulties getting a country clearance from the State Department, which delayed Mr. (b)(6) removal. On August 24, 2010, ICE removed Mr. (b)(6) from the United States.

Mr. (b)(6) was housed in Essex County Jail from April 13, 2010, until he was removed from the country on August 24, 2010. Prior to the first removal attempt, Mr. (b)(6) was detained at Elizabeth Detention Center. Following that initial removal attempt, Mr. (b)(6) was housed at Essex County Jail. Following admission to Essex County Jail, Mr. (b)(6) was immediately given a medical intake screening per the National Detention Standards. After the second removal attempt, ICE returned him to Essex County Jail.

Conclusion:

- ICE did not attempt to remove Mr. (b)(6) while he had an appeal pending with the BIA. Mr. (b)(6) was ordered removed on February 25, 2010, with an appeal reserved until March 29, 2010. ICE attempted to remove Mr. (b)(6) on April 12, and May 17, 2010, which was after his original March 29, 2010 appeal reserve date, and the date the order of removal became final as no appeal was filed until June 14, 2010. The BIA received Mr. (b)(6) appeal brief on June 14, 2010, and denied his appeal issuing a final order of removal on June 30, 2010. A third successful removal attempt was made on August 24, 2010, which was after the BIA's decision on June 30, 2010.
- It appears that ICE officers handled Mr. (b)(6) appropriately during his removal attempts. Handcuffing is appropriate since Mr. (b)(6) refused to fly during the first removal attempt and the Detention and Removal Operations Policy and Procedure Manual/Appendix 16-4/Enforcement Standards on Use of Restraints and Escorts recommends handcuffs for "detainees... who have otherwise indicated willingness or intent to resist physical removal from the United States."
- Mr. (b)(6) was given a medical intake upon admission to Essex County Jail.

² CRCL is in receipt of a copy of the complainant's complete Alien File. Within the file, CRCL found copies of Immigration Court and Board of Immigration Appeals documentation to identify the complainant's final order of removal, and appeal dates.

Recommendation: I recommend that we close this complaint, without recommendations to the component.

Recommendation Accepted TJM
Not Accepted: _____

Further Action Required :

Protected by deliberative process privileges

JUL 13 2010

Honorable Board Members:

My name is (b)(6) I'm a citizen of the Kingdom of Saudi Arabia. On the continuance and forgoing of the infringement of human right, in specific regarding my situation with the ICE workers. On January 13, 2010, four persons entered my apartment in Manhattan, NY without my consent or any court orders or notice. They crossed threshold as invaders. They created unsafe and unsecured environment. I awoke with fear, and found out that they were entitled under ICE. One of the Federal agents, (b)(6),(b)(7)(C) told me that my immigration status was terminated, because the time of my F-1 VISA was expired. I was stunned because I was complying to every single report that was sent to me via Immigration Circuit Office, (b)(6) I tried to show him the letter in my apartment that was issued by Immigration Advisor in (b)(6) He ignored it and told me you'll come back later, and arrested me right there. Also, the Agent (b)(6),(b)(7)(C) offered me a closed bottled of water to drink in attempt to provoke me while I was hand-cuffed in the back of the car. The agent (b)(6),(b)(7)(C) said : "This is water if you want".

They took me to the Federal building in downtown Manhattan, NY. The agent (b)(6),(b)(7)(C) with others passed me papers to sign. From the shock, I signed many papers over there, and even without focus. I was a very patient in order that justice takes place. In the process of removal proceeding, Deportation Officer / (b)(6),(b)(7)(C) was careless during the dealing with my case and without integrity as person in charge. I asked him once about my case. He replied: "I don't know." Then, after the Final Order of Immigration Judge, he gave me a paper to sign that it entitled under Warning for failure to depart. I informed him: "My case still in process." He said: "Don't worry." Just a regular paper. I replied him: "O.K. I'll sign it. Then, he took the original document and left me a copy of it. ICE/ (b)(6),(b)(7)(C) treated me as product to stamp it, not in the way that he should be with integrity to deal my case. Where as, the response from BOARD OF IMMIGRATION APPEALS takes approximately 2 months more or less. He ignored me intentionally while I explained to him that "I am waiting for response from B.I.A. AS PROCESS, AND AS MY RIGHT TOO."

He stepped away from me to go out from the dorm H without shown him a copy of B.I.A that I already sent before deadline of appealing [MARCH 29]. In addition, the officer at Elizabeth detention center in dorm H told me "pick up". I refused the decision and I emphasis to them that my case is still in process. Then, they transferred me to Essex County Jail in Newark, NJ.

Since the month of APRIL, I suffered a lot at Essex County Jail in the way how they treat me. I tried to talk to who supposed in charge of my case according to my ending digit's number: A. (b)(6) I asked ICE worker / (b)(6),(b)(7)(C) to check my status, whether they received any response from B.I.A. or related to my situation here. He replied: we don't have any information about your case. Your file at Elizabeth Detention Center 625 Evans St., NJ. Then, after a week I talked

with Supervisor ICE at Essex County Jail with dire concern that I want to know and check my status and why I'm here at Essex County jail. I told him: "I'm waiting a response from B.I.A., and I have a copy the documents that I had sent previously. I was discussing my case that how they attempt to deport me while I follow the process of my right in appealing my case! He replied: "They still can deport you. I replied him: I have a copy of the documents that I sent before, and also I have a copy of a Notice of Appeal that I had sent recently. He didn't have a copy of it. Then, he left Dorm 3 at Essex County jail. After a few days, they call me to deport me, and to sign papers with people under ICE. I informed that I'm waiting for response from B.I.A. They told me: "sign here" You can't deport me, and I have a copy of appealing documents of my case, and I tried to show them the copy that I possess, but they disregard that. Then, I signed the papers that they gave me with absent minded!

After that, they took me to JFK airport, New York. At the check border point before getting the plane, which it was on DELTA airways, and the flight is going toward Cairo at night time. It was a lot of individual arguments between who acted three persons, who acted under ICE. One of them is called (b)(6),(b)(7)(C) And I see clearly disapproval from the members of Delta airway's administrative officers, or who related to it. Despite of that, they attempt to pursue them to get me inside the plane. After extended conversation with them, they got along with the situation silently with confusion. Then they told me: go ahead. I informed them: My case is still in process in spite of that I show the person under ICE, (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) As few pages of B.I.A. documents that I sent. In violent manner, three persons dragged me cruelly with strong tied cuffed surrounded my hands. Our Honorable Board Judges I was kidnapped. They were surrounded me by force. They pushed on the right, on the left, and on the back side. They treated me in inhuman way violently, even my shirt was worn out off on the front from coward and terrorist behaviors. They got me inside the plane by force without any concern about my health condition or my consent. They dragged me cruelly till they got me on the plane's seat. They put safety belt the middle of my body with 2 strong cuffed handed on the back, and not on the front of my body as usual routine. I still have traces on my hand from cruel

practices. The captain of the plane asked two critical and important questions to those people who kidnapped me with stunned looking: Is this the way how you deal with situation like this! Their response is" it's a normal in attempt to ease the horrible situation. 2. The captain asked: Is his hands are going to be on this position, which is 2 tied handed on the back, which is the normal procedure should be on the front, not on the back side. The captain said: how he is going to eat, drink, and to use the restroom! The kidnappers replied: we'll do that. Silently, the captain went back to his plane cabinet. They were arguments between me and the 3 kidnappers for 10 min. or more , then , one member of the plane staff informed them: the captain said: he want him off the plane. The kidnappers took me off the plane that was going toward CAIRO on Delta's airways. They pushed me between time and another till I got out of the JFK airport, then, inside their car. They took me back to Essex County Jail in NJ at night. They refused to get me inside because I was discharged. Then, they held me in another place, which is Elizabeth Detention Center in Elizabeth, NJ. They held me with out health care check despite the fact that I was in dire situation after the violent behaviors. On the next day, they complete some procedure back and forth between Elizabeth detention center and Essex County Jail to charge me again in order to put me in the Essex County Jail. I still suffering a lot of unjust terrorist acts that involved in my case as human right was given in this country.

With all sorrow and sadness, I still can't believe what occurred to me in the U.S. So that, I humbly request your justice to take the serious acts against those violators, and stop all these infringements, and to be lesson to every body misbehave the authority that was given to them, with the consideration of civil right and civil liberty that this country stand for. I pray for almighty to stand firmly against the oppression and different color of unjust.

(b)(6)



Dated: May 28, 2010

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: 10-10-ICE-0164 (b)(6)							
Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2010-08-16 19:00	Created	Task		6698	(b)(6)	migrated
DhsComplaint	2010-08-16 19:00	Created			6698		migrated
DhsComplaint	2010-08-16 19:00	Edited			6698		migrated
DhsComplaint	2010-08-16 19:00	Edited	Task:Assignment: Assigned matter From (b)(6) To:DHS Due:2011-01-09 17:00:02.152		6698		migrated
DhsComplaint	2010-08-16 19:00	Edited			6698		migrated
DhsComplaint	2010-08-16 19:00	Note Added	Sent to IG:		6698		migrated
DhsComplaint	2010-08-17 18:36	Document Added	Document: (b)(6) incoming correspondence (received 7-13-2010)		6698		migrated
DhsComplaint	2010-08-17 18:36	Document Added	Document: OIG declination email - CRCL Complaint no. 10-10-ICE-0164 (b)(6)		6698		migrated
DhsComplaint	2010-08-17 18:37	Note Added	From IG:		6698		migrated
DhsComplaint	2010-08-17 18:37	Edited			6698		migrated
DhsComplaint	2010-08-17 18:38	Edited			6698		migrated
DhsComplaint	2010-08-17 18:38	Note Added	To awaiting Recommendation:		6698		migrated
DhsComplaint	2010-08-18 16:27	Note Added	Recommendation (b)(5) (b)(6)		6698		migrated
DhsComplaint	2010-08-18 16:27	Edited			6698		migrated
			Approved (to Back From Officer): OK (b)(5)				

DhsComplaint	2010-08-21 23:26	Note Added	(b)(5)		6698	(b)(6)	migrated
DhsComplaint	2010-08-21 23:26	Edited			6698		migrated
DhsComplaint	2010-08-21 23:26	Edited	Task:Assignment: Assigned matter From: (b)(6) To: (b)(6) Due:2011-01-09 17:00:02.0		6698		migrated
DhsComplaint	2010-08-24 18:00	Document Added	Document: Acknowledgement Letter - (b)(6)		6698		migrated
DhsComplaint	2010-09-29 13:54	Create	From Matters	migration	6698		migration
DhsComplaintAction	2011-02-03 13:05	Create	Action Date	02/03/2011	103337		User Change
DhsComplaintAction	2011-02-03 13:05	Create	Action	Short Form	103337		User Change
DhsComplaintAction	2011-05-10 15:17	Create	Action Date	05/10/2011	104913		User Change
DhsComplaintAction	2011-05-10 15:17	Create	Reporting Summary	In July 2010, CRCL received a complaint from a detainee who was being detained by ICE in a county jail in New Jersey. According to the complainant, ICE actively tried to remove him from the country despite having an active appeal pending with the Board o	104913		User Change
DhsComplaintAction	2011-05-10 15:17	Create	Internal Summary	On July 13, 2010, CRCL received a letter from (b)(6) a Saudi Arabian citizen who was arrested by ICE for failing to comply with the terms of his student visa. Mr. (b)(6) states that on January 13, 2010, he was arrested by ICE,	104913		User Change
DhsComplaintAction	2011-05-10	Create	Action	Closed - Short Form/No Further	104913		User Change

	15:17			Action		(b)(6)	
DhsComplaintDocument	2011-05-10 15:03	Create	Foreign Language	No	83833		User Change
DhsComplaintDocument	2011-05-10 15:03	Create	Dateentered	05/10/2011	83833		User Change
DhsComplaintDocument	2011-05-10 15:03	Create	Document 2	10-10-ICE-0164 Supporting DOCS.PDF	83833		User Change
DhsComplaintDocument	2011-05-10 15:03	Create	Document Type	Short Form Doc	83833		User Change
DhsComplaintDocument	2011-05-10 15:03	Create	Document 1	SHORT FORM 10-10-ICE-0164 tj_k_Signed 051011.pdf	83833		User Change
DhsComplaintIssue	2011-10-18 16:20	Update	Religion		12276		User Change
DhsComplaintIssue	2011-10-18 16:20	Update	Incident Location Type	BCIS Facility	12276		User Change
DhsComplaintIssue	2011-10-18 16:20	Update	Situation	Immigration detention	12276		User Change
DhsComplaintIssue	2011-10-18 16:20	Update	Redirect to Subject	No	12276		User Change
DhsComplaintIssue	2011-10-18 16:20	Update	Incident Location		12276		User Change
DhsComplaintIssue	2011-10-18 16:20	Update	Disability		12276		User Change
DhsComplaintIssue	2011-10-18 16:20	Update	Comments	08/18/2010: Recommendation (b)(5),(b)(6) 08/23/2010: Approved (to Back From Officer):OK (b)(5)	12276		User Change
DhsComplaintIssue	2011-10-18 16:20	Update	Color		12276		User Change
DhsComplaintIssue	2011-10-18 16:20	Update	Other Issue		12276		User Change

DhsComplaintIssue	2011-10-18 16:20	Update	Sex		12276	(b)(6)	User Change
DhsComplaintIssue	2011-10-18 16:20	Update	Race		12276		User Change



Homeland
Security

OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
COMPLAINT WITHOUT RECOMMENDATIONS
CLOSURE MEMORANDUM

To: (b)(6)
From: (b)(6)
Through: (b)(6)
Date: March 15, 2013
Complaint Number: 11-01-ICE-0005
Complainant Name: (b)(6)

Reasons for Closure without Recommendations:

- | | |
|---|---|
| ☐ Insufficient information to investigate
☐ Withdrawal of complaint
☐ Lack of jurisdiction
☐ Allegation(s) untimely/overtaken by events
☐ Component and/or facility has already corrected the problem
☒ Allegations against component, individual, and facility unfounded | ☐ Allegation(s) substantiated but does not warrant recommendations
☐ No finding of detention standards violations
☒ No finding of policy or procedure violations
☐ Complaint added to information layer and closed (linked)
☐ Complaint being handled as part of another related complaint (related)
☐ Other (provide details): |
|---|---|

Complaint Synopsis and Explanation of Closing Rationale:

On October 4, 2010, CRCL received from DHS Executive Secretariat a September 21, 2010, letter to DHS Secretary Janet Napolitano from Ms. (b)(6) alleging that her godson, (b)(6) a U.S. Immigration and Customs Enforcement (ICE) detainee at the time, and several other men were the victims of racial and religious profiling. Ms. (b)(6) alleges that ICE Special Agent (SA) (b)(6), (b)(7)(C) was harassing and targeting for immigration enforcement Mr. (b)(6) and the other men because they were Muslim and from Niger. Additionally, Ms. (b)(6) alleges there were deficient conditions of detention at Baker County Detention Center, where Mr. (b)(6) was being detained. The Joint Intake Center also received Ms. (b)(6) complaint and conducted an investigation independently of CRCL. Based upon review of the ICE Office of Professional Responsibility (OPR) Administrative Inquiry Report (AIR), Ms. (b)(6) allegations are unsubstantiated. Additionally, Mr. (b)(6) did not corroborate the allegations she made on his behalf. Furthermore, Ms. (b)(6) provided no information as to the identities of the other men she alleges were profiled or the nature of that profiling. Therefore, I recommend CRCL close this complaint without recommendations.

A review of the AIR and supporting documents reflect that the investigation conducted by SA (b)(6), (b)(7)(C) of Mr. (b)(6) was a routine follow up to three previous arrests of other individuals made by U.S. Customs and Border Protection (CBP) officers at the port of Jacksonville. Those individuals were registered security guards and citizens of Niger in the United States illegally who had had attempted to illegally export automobiles from the port. Mr. (b)(6) was identified as a previous owner of one of the automobiles the other individuals had attempted to export. Pursuant to follow up on this fact, it was determined

Mr. (b)(6) was a citizen of Niger who had overstayed his lawful admission into the United States and who had been convicted of possessing a counterfeit Resident Alien Receipt Card. During the course of SA (b)(6), (b)(7)(C) investigation, Mr. (b)(6) was ordered deported by an Immigration Judge but remained free on bond while his appeal of the deportation order was pending. Mr. (b)(6) was subject to arrest and removal on July 28, 2010, when the Board of Immigration Appeals dismissed his appeal. SA (b)(6), (b)(7)(C) arrested him pursuant to this authority on August 25, 2010.

When ICE OPR interviewed Mr. (b)(6) he was asked if he had any complaints regarding the manner in which his immigration case had been handled generally. He responded to these questions with only two complaints about not being allowed to attend Friday prayers at his detention facility and that he was not allowed to make use of the facility library to the extent he desired. Neither of these issues were raised in Ms. (b)(6) complaint. When he was asked about the allegations made by Ms. (b)(6) and specifically about any possible misconduct by SA (b)(6), (b)(7)(C) Mr. (b)(6) became agitated and refused to answer questions. A second attempt to interview Mr. (b)(6) yielded similar results.

Based on a finding that SA (b)(6), (b)(7)(C) acted appropriately and within the scope of his authority and the fact that Mr. (b)(6) did not have any complaints about the conditions of detention raised in Ms. (b)(6) complaint, I recommend CRCL close this complaint without recommendations.

Suggested Closure Method(s) (check all that apply):

- | | |
|--|---|
| ☐ Close letter to complainant | ☐ Close email/memo to component |
| ☐ Phone call | ☐ High level component communication |
| ☐ No notification necessary | ☒ Close Memo ¹ |
| ☐ Other | |

Comments:

For further information on the ICE OPR investigation, please reference the attached Administrative Inquiry Report (ICE Case No. 201100134).

Ms. (b)(6) received an acknowledgement letter but she never provided third party consent to release information about this complaint. Because there was no third party consent, I do not believe a close letter is necessary.

¹ Mr. (b)(6) was released from custody on April 28, 2011, and we do not have a current address for him.

For Completion by Reviewer:

Closure Recommendation Accepted

Closure Recommendation Not Accepted _____

Further Action Required: _____

(b)(6)

Law Enforcement Sensitive/For Official Use Only

November 1, 2010

(b)(6)

Jacksonville, Florida 32221



**Homeland
Security**

Re: Complaint No. 11-01-ICE-0005

(b)(6)

Dear Ms. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties received a complaint from you on October 1, 2010. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, this Office has the responsibility to review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS). Pursuant to 6 U.S.C. § 345(a)(6) and internal DHS policies, we initially refer all such complaints to the Office of Inspector General. If the Inspector General declines to accept the complaint, it is returned to this Office for handling or reassignment within the Department.

The issues you raise are very important to us, and we are working to provide a written response describing how we will handle this matter. The information you provided or may provide will be used in accordance with 5 U.S.C. § 552 (Freedom of Information Act), 5 U.S.C. § 552a (Privacy Act), 6 U.S.C. § 345 (Homeland Security Act), 42 U.S.C. § 2000ee-1 (9/11 Commission Act), 44 U.S.C. § 3101 (Federal Records Act) and other relevant federal laws. While we will seek to prevent unnecessary disclosure of the information provided, we may need to share some of this information with relevant persons. Also, we may be required by law or government policy to release information, in whole or in part, to other government agencies, Congress, and other private individuals. Such disclosures may be mandatory under the Privacy Act, the Freedom of Information Act, the Federal Records Act, and other statutes or regulations. When disclosures are made, personal information will be redacted to the extent permissible. A discussion of your rights under the Freedom of Information Act and the Privacy Act can be found at <http://www.pueblo.gsa.gov/call/foia.htm> or in the attached materials.

Please provide us your updated contact information, including a phone number, e-mail, and mailing address. Thank you for your patience in awaiting our response. You may contact this Office by email at crcl@dhs.gov or by phone at 1-866-644-8360, 1-866-644-8361 (TTY). For additional information about the roles and responsibilities of our Office, see <http://www.dhs.gov/civilliberties>.

If you are filing a complaint on behalf of an individual(s), you must provide this Office with expressed written consent from the individual(s), should you wish to receive information about the complaint. Thank you for contacting the Department of Homeland Security's Office for Civil Rights and Civil Liberties.

Director for Review and Compliance
Office for Civil Rights and Civil Liberties

DEPARTMENT OF HOMELAND SECURITY
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES
COMPLAINT SUMMARY FORM

To be placed under the first left tab of the complaint folder

Summary Prepared By: (b)(6)	Date Prepared: November 29, 2010
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Identifying Information

Individual's FN:	(b)(6)	MN:	LN:	(b)(6)
Individual's Alien number:	(b)(6)			
Third Party's FN (Written By):	(b)(6)	Third Party's LN (Written By):	(b)(6)	
Third Party's Organization:	Family			

Special Category *(check any that apply)*

- | | |
|--|---|
| ☐ Sexual Abuse (PREA) | ☐ Deaths – Further Action |
| ☐ Language Issues | ☐ Deaths – No Further Action |
| ☐ Recipients of Federal Financial Assistance | ☐ Other (please specify) |
| ☐ Medical Issues | ☐ ICE OPR Referral to CRCL |
| ☐ Mental Health Issues | ☐ CBP Referral to CRCL |
| ☐ DHS Traveler Redress Inquiry Program (TRIP) | ☐ DHS OIG Referral to CRCL |

Allegation

Received by DHS:	October 1, 2010	Received by CRCL:	October 1, 2010
Allegation Type:	Civil Right/Civil Liberty		
Incident Date: <i>(If this is a recurring incident or condition, list date range[s]):</i>	Not Specified	Time of Incident:	Not Specified
Summary of Allegation(s):	On October 1, 2010, CRCL received two complaints, one each from the wife and god-mother of (b)(6) who is currently detained in Wakulla County Jail, Florida.		

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	Mr. (b)(6) god-mother, (b)(6) writes that Mr. (b)(6) was constantly harassed by ICE agent (b)(6), (b)(7)(C). According to Ms. (b)(6) after Mr. (b)(6) was released from jail and placed on probation, agent (b)(6), (b)(7)(C) and two others came to Ms. (b)(6) residence, where Mr. (b)(6) was living at the time. Agent (b)(6), (b)(7)(C) aggressively knocked and banged on the door of the residence, which caused damage to the door. Mr. (b)(6) was later arrested by agent (b)(6), (b)(7)(C) during a visit with his probation officer. Ms. (b)(6) writes that while Mr. (b)(6) was detained at Baker County Jail, he was not given the opportunity to participate in outside recreation. According to Ms. (b)(6) agent (b)(6), (b)(7)(C) made several negative comments about Mr. (b)(6) religion including, "go tell your god that you pray to that I am going to send you home. We don't want people like you in this country" and "every house I go in, I see this prayer rug, we don't want your kind here." Mr. (b)(6) wife, (b)(6) also writes of similar harassment by agent (b)(6). According to Mrs. (b)(6) agent (b)(6), (b)(7)(C) and other "people" pushed their way into her home, without warning, to interrogate her. Further, Mrs. (b)(6) claims that agent (b)(6), (b)(7)(C) has gone to the housing authority and said things about her husband that are not true, which ultimately resulted in her being evicted from her home. In addition, individuals came to her job and insinuated untruths which pressured her into leaving her job.
Compliance Director's Recommendation:	COMMENTS: On November 29, 2010, Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it be handled as a retained/short form Complaint assigned to (b)(6)

Allegation Details

Primary Issue:	Discrimination	Primary Basis:	Abuse of Authority
Secondary Issue:	Religion	Secondary Basis:	Harrassment

Select additional Secondary Issues and Secondary Bases if necessary. Add additional rows to the table above.

Categories from which to Select Allegation Issues and Bases

Allegation Issue Categories:

Abuse of Authority/Color of Law
Conditions of Detention
Discrimination
Due Processing/Administrative Processing
Profiling
Treatment
Unaccompanied Minors
Watch Lists
Other (please specify)

Allegation Basis Categories:

Age
Citizenship (specify)
Color (specify whether dark, medium or light complexion)
Detainee
Disability (mental)
Disability (physical)
Harassment
Inappropriate touching
Limited English Proficiency
National Origin (specify)
Non-Detainee
Race (specify race)
Racial Harassment

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Referral to secondary
 Religion (specify religion)
 Retaliation
 Rude, unprofessional conduct
 Sex (specify whether male or female)
 Sexual Harassment
 Ethnicity (specify ethnicity. "Hispanic/Latino" is a selection in this category.)
 Other (please specify)

[If the complaint involves an Unaccompanied Minor as a complainant/victim, the Primary Issues is Unaccompanied Minors.]

Involved Parties

Component(s) Referenced:	ICE
Individual(s) (list name, title/position, and employment location):	1. ICE Special Agent (b)(6),(b)(7)(C)

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Location(s) of Incident(s)

Incident Location Type *(check all that apply)*:

- | | |
|--|---|
| ☐ Airport | ☐ Street Stop |
| ☐ Airplane | ☐ Place of Business |
| ☐ BCIS Facility | ☐ Residence |
| ☐ Border and Fixed Checkpoint | ☐ Detention IGSA |
| ☐ Government Building | ☐ Detention SPC |
| ☐ Seaport | ☐ Detention CDF |
| ☐ Ship | ☐ Other (please specify) |

Incident Location (list name of airport or port of entry or other location):			
City:		State:	

If this complaint involves more than one incident location, list each location separately.

If the alleged incident occurred outside the U.S., identify the city and county where it occurred.

Notes

Notes:	
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Secretary Janet Napolitano
Department of Homeland Security
Washington, D.C., 20528

September 21, 2010

SCANNED/RECEIVED
BY: [REDACTED]
2010 OCT -1 PM 2:35

Ref: (b)(6)

Dear Secretary Napolitano:

I am writing this letter to you to bring attention to the racial and religious profiling against Muslims from Niger, Africa, by one of your agents, (b)(6), (b)(7)(C) who is with I.C.E. (immigration and custom enforcement) in Jacksonville, Florida. This Agent has made the lives of several African Muslims a living hell and there seems to be nothing that these young men can do, except wait to be imprisoned and possibly deported.

I am the God-mother of one of these young men, his name is (b)(6). I met this young man when he enrolled at Florida Community College. I was his Counselor and Advisor. He could speak very little English but enrolled in ESL classes, GED classes and later enrolled for college credit classes. He has successfully completed his Associates of Arts degree, and completed his Associates of Applied Science degree in Practical Nursing and is just about to complete his Bachelors degree in Nursing. His desire is to graduate with his BSN degree and to work and have a better life. He has done this under great stress because of the inhumane treatment he has gotten from Agent (b)(6), (b)(7)(C) who began a witch hunt to find any kind of violation of the immigration laws in order to deport these young men.

What he did find in violation was all eight of these young men who were in this country legally on student visas, also had to work. They had no idea how expensive it would be to live and go to school in this country. Even though their families help out as much as possible, they still needed living expenses because they paid out of state tuition. They were able to get jobs making \$7.00 per hour to help out with expenses. They had social security cards and they paid taxes.

They were arrested and sent to a Federal Prison in Georgia for this violation. After they got out of prison on bail, they were put on probation and harassment from this agent (b)(6), (b)(7)(C) who has been relentless in trying to find anything to arrest them again, even if it's a parking ticket. There were eight young Muslim men from Niger, he has already deported two.

This agent and two others came to my house, without a warrant where (b)(6) was living and traumatized everyone in the house with their aggressive knocking and banging on the door. They did damage to my door but no one open the door because of fear. Because (b)(6) is on probation, his probation officer asked him to come in to see him. When he got to the office this agent was there to arrest him.

(b)(6) is in Baker County Detention Center, charged with nothing. The immigration sent a letter denying his appeal for asylum and gave him 30 days to appeal it. His attorney has filed a motion to reopen this case, and they should not have arrested him. He has spent thousands of dollars for attorney fees and he just does not have any money. This agent took all of his papers, his green card and work permit. This agent seems to have influence over the immigrations department and judges. All of these young men were brought before the same judge Earl B. Wilson, who obviously, was prejudice against

Muslims also and denied all of their pleas for mercy and sent them to Federal Prison like criminals and they had not broken any laws. Violation of a not to work law should have been a fine, not a prison sentence. There are many illegal immigrants in this country who have done worst and have not been deported

I am pleading with you to look into this matter before they deport (b)(6). He has worked so hard to become a nurse and is very close to finishing his degree. His desire is to stay in this country and make it home. He has not broken any laws of the land. He is a good, moral person. As a nurse he has chosen a noble profession to help others.

I plead with you to investigate this agent (b)(6), (b)(7)(C). He has made sarcastic comments against the religion of these young men, such as "Go tell your God that you pray to that I am going to send you home. We don't want people like you in this country". Also, "every house I go in, I see this prayer rug, we don't want your kind here." In the investigation of Fatoulaye, agent (b)(6), (b)(7)(C) tried to prejudice me by his comments that "these people pretend to be innocent and helpless so that they can use Americans".

The reason that I am writing this letter, I am a Christian, and American, and injustice is just that. It can't be excused for any people. Please help.

There are at least 200 immigrants sitting in Baker County Jail. They have no windows in the jail, the inmates have not seen the light of day since their arrest. They are not given an opportunity to go outside for exercise or recreation. They can only look at TV, pray and eat and sleep. They can not even have contact with visitors; they must talk from their dorms on telephone monitors. This is cruel and inhumane treatment of these immigrants. (b)(6) is not a criminal and to be put in this kind of environment is criminal. He would have left the country if given an opportunity after he had exhausted all legal appeals to remain in the United States. Why is he in jail traumatized because he wanted to have a better life?

Secretary Napolitano, I implore` you to help my god-son to be released from Baker County Jail, where he has been held for over two weeks, charged with nothing except being a "Muslim". He desires to complete his BSN degree and become a law-abiding contributing citizen. It is wrong to make criminals out of immigrants who are here legally. My god-son had a student visa, and is married to an American citizen. Immigration has completely disregarded the marriage all together. It use to be when a person married an American citizen this provided certain opportunities but with this Agent (b)(6), (b)(7)(C) influence there is no consideration given to his wife. Please see copy of wife's letter attached. This agent has taken everything away from this young man. The agent even had his driver's license cancelled.

Thank you for your consideration of this matter.

Sincerely,
(b)(6)

(b)(6) Jacksonville, Florida, 904 (b)(6)

September 28, 2009

B.S.

(b)(6)

TO WHOM IT MAY CONCERN:

I am writing this letter to because of the injustice that I have suffered from the Department of Immigration and Home Land Security. I am an American citizen and my husband is from Niger, Africa. My husband is a Muslim and I am a Christian.

In October 2007, my husband and I had received a letter from the Immigration giving us an appointment to come in for an interview. We kept the appointment but I was not prepared for the embarrassing question that I was asked when they separated me from my husband. I was asked some sexually explicit questions about our married life. I felt this was an invasion of my privacy. The interviewer kept trying to get me to say things that were not true. They even wanted to know why I married a Muslim and not someone of my own faith. They asked me if I knew that Muslims were terrorist. They then handcuffed me and made me feel that I had done something wrong, this frighten and intimidated me.

I was later told that they had arrested my husband and would not tell me anything about the charges. They also took the keys to our car and kept the car, when they finally released me they told me that I would have to get home the best way that I could. They would not even let me use the telephone to call my family to try and get someone to come pick me up. They put me out of the building and I had to go and find a telephone to use. I have never experienced anything like this in my life. Almost anyone will let you use the telephone.

This harassment from Immigration has not stopped. (b)(6),(b)(7)(C) and other people pushed there way into my house without any warning. They interrogated me over and over again and ask me "am I ready to tell them the truth, implying that what I have already told them is a lie. They have gone to the housing authority for the apartments that I lived in and said things about my husband and I which were not true. I got evicted from my apartment and had to move in with relatives.

They have come to my job and insinuated untruths which put a lot of pressure on me, resulting in me having to leave my job. This whole thing with immigration has caused me and my husband much stress and hardship. They have gone to all my family members and friends insinuating lies, and attacking the character of me and my husband. I had no idea that people who are hired to protect you could be so cruel and intimidating and liars.

My husband is in a deportation status now, trying to get an appeal because he has done nothing wrong and neither have I. These people have no care or consideration for my marriage and needless to say this has put a great strain between me and my husband. He

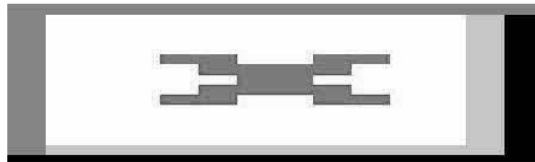
has been unable to work for almost two years. We have had to spend all of our money on lawyers and I am the only one supporting everything. This is unreal and it is not fair, and no one seems to care. That's why I am sending this letter to everyone I can think of including the President in hopes that someone can help us. If you can be of any assistance, we would greatly appreciate it. Please contact me.

Sincerely,

(b)(6)



From: (b)(6)@dhs.gov]
Sent: Tuesday, October 26, 2010 9:52 AM
To: (b)(6)
Subject: RE: Complaint No. 11-10-ICE-0005



The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@associates.dhs.gov]
Sent: Thursday, October 21, 2010 11:47 AM
To: (b)(6)
Cc: [Redacted]
Subject: Complaint No. 11-10-ICE-0005

PLEASE REVIEW.

On October 4, 2010, CRCL received from DHS Executive Secretariat (ES) a September 21, 2010 letter to DHS Secretary Janet Napolitano from Ms. (b)(6) writing with

regard to her godson, Mr. (b)(6) (Exec Sec Workflow No. 883065). In her correspondence, Ms. (b)(6) alleges that ICE Special Agent (SA) (b)(6),(b)(7)(C) of the Jacksonville, Florida ICE Office, has engaged in racial and religious profiling of Muslims from the country of Niger. She claims that SA (b)(6),(b)(7)(C) improperly targeted eight African Muslim young men from Niger, including Mr. (b)(6) and committed due process violations to try to get them deported. (Ms. (b)(6) does not provide the names of any of the other men who were subjected to the profiling by SA (b)(6),(b)(7)(C) if known. She states that two of them have been deported.) Ms. (b)(6) states that all of those young men were legally in the U.S. on student visas, and had to work to support themselves. They were arrested for unauthorized employment. After they were released from federal prison and put on probation, SA (b)(6) allegedly harassed them and tried to find any basis to arrest them again. Ms. (b)(6) requests that DHS look into this matter before ICE departs Mr. (b)(6).

In addition, Ms. (b)(6) alleges that there are deficient conditions of detention at “Baker County Jail” [Baker County Detention Center (BCDC)] in Macclenny, Florida, where Mr. (b)(6) was detained in ICE custody. Ms. (b)(6) states that detainees have no windows at the facility and have no access to outdoor recreation. She states that they cannot have contact with visitors, and, rather, must speak with visitors from their housing units using “telephone monitors.” (Note: Ms. (b)(6) does not specify who reported those conditions of detention to her, or when the allegations were made. EARM records show that Mr. (b)(6) was detained at BCDC from August 25, 2010, to September 17, 2010, and was then transferred to Wakulla County Jail in Crawfordville, Florida, where he is presently detained. At the time she wrote her letter to Secretary Napolitano, Ms. (b)(6) evidently did not know that Mr. (b)(6) had been transferred from BCDC to another facility. In her letter, Ms. (b)(6) requests that Mr. (b)(6) be released from BCDC, claiming there is no basis for holding him in detention.)

As an enclosure, Ms. (b)(6) provides a copy of a September 28, 2009 letter from Ms. (b)(6) the U.S. citizen spouse of Mr. (b)(6). Ms. (b)(6) letter is addressed to “TO WHOM IT MAY CONCERN.” (Neither Ms. (b)(6) nor Ms. (b)(6) correspondence indicates to whom the letter was previously sent, if anyone). In her letter, Ms. (b)(6) focuses on an October 2007 ICE interview of her and Mr. (b)(6). She states that ICE personnel asked her and Mr. (b)(6) inappropriate questions, including sexually explicit questions about their married life. She alleges that the interviewers, whom she did not name in her letter, allegedly asked her why she married a Muslim (Ms. (b)(6) identifies herself as Christian) and asked if she knew that Muslims were terrorists. They then allegedly handcuffed her, and told her that they had arrested her husband, but would not tell her about the “charges”. The ICE personnel allegedly did not allow her to use a phone when they removed her from the building. Additionally, Ms. (b)(6) claims that SA (b)(6),(b)(7)(C) and others went into her house without warning and interrogated her, implying that she was telling them lies. She claims that ICE has also visited her at her job, and approached family members and friends,

attacking the character of her and her husband without basis. (Ms. (b)(6) letter does not provide the dates of those alleged actions.)

[Background: Exec Sec initially gave CRCL a copy of Ms. (b)(6) correspondence for information only, and assigned it to ICE to handle as appropriate. ICE forwarded it to ICE OPR for handling. Later during the week of October 4, 2010, Jeff Blumberg, Director for Compliance, CRCL, discussed this matter with (b)(6),(b)(7)(C) Chief of Staff of ICE OPR, and ICE OPR decided it wants CRCL to handle the review of this matter.]

Thank You,

(b)(6)
Review and Compliance Division

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(202) 357-(b)(6)(V)
(202) 401-4708(F)

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-0007 11-01-ICE-0005

(b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2010-10-20 16:06	Create	Component Referenced	ICE	6741	(b)(6)	User Change
DhsComplaint	2010-10-20 16:06	Create	Summary	On October 4, 2010, CRCL received from DHS Executive Secretariat (ES) a September 21, 2010 letter to DHS Secretary Janet Napolitano from Ms. (b)(6) writing with regard to her godson, Mr. (b)(6) Workflow No. 883	6741		User Change
DhsComplaint	2010-10-20 16:06	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	6741		User Change
DhsComplaint	2010-10-20 16:06	Create	Days to Process	19	6741		User Change
DhsComplaint	2010-10-20 16:06	Create	Date to CRCL	10/01/2010	6741		User Change
DhsComplaint	2010-10-20 16:06	Create	Date to DHS	10/01/2010	6741		User Change
DhsComplaint	2010-10-20 16:06	Create	Date on Correspondence	10/01/2010	6741		User Change
DhsComplaint	2010-10-20 16:06	Create	Sender Type	Individual	6741		User Change
DhsComplaint	2010-10-20 16:06	Create	Method of Receipt	Email	6741		User Change
DhsComplaint	2010-10-20 16:06	Create	Entry Date	10/20/2010	6741		User Change
DhsComplaint	2012-07-17 14:55	Update	Days to Process	655	6741		User Change
DhsComplaint	2012-07-17 14:55	Update	(b)(5)	(b)(5)	6741		User Change
DhsComplaint	2012-07-11 16:43	Update	Days to Process	649	6741		User Change
				On October 4, 2010, CRCL received from DHS Executive Secretariat (ES) a September 21, 2010 letter to DHS			

DhsComplaint	2012-07-11 16:43	Update	Summary	Secretary Janet Napolitano from Ms. (b)(6) writing with regard to her godson, Mr. (b)(6) Workflow No. 883	6741	(b)(6)	User Change
DhsComplaintAction	2013-03-15 12:35	Create	Action Date	03/15/2013	109717		User Change
DhsComplaintAction	2013-03-15 12:35	Create	Reporting Summary	On October 4, 2010, CRCL received from DHS Executive Secretariat a September 21, 2010, letter to DHS Secretary Janet Napolitano from Ms. (b)(6) alleging that her godson, (b)(6) a U.S. Immigration and Customs Enforcement (ICE) detainee a	109717		User Change
DhsComplaintAction	2013-03-15 12:35	Create	Document	11-01-ICE-0005 Close Memo No Recs final 3-15-13.pdf	109717		User Change
DhsComplaintAction	2013-03-15 12:35	Create	Action	Closed - Short Form/No Further Action	109717		User Change
DhsComplaintAction	2013-03-15 12:35	Create	Internal Summary	On October 4, 2010, CRCL received from DHS Executive Secretariat a September 21, 2010, letter to DHS Secretary Janet Napolitano from Ms. (b)(6) alleging that her godson, (b)(6) a U.S. Immigration and Customs Enforcement (ICE) detainee a	109717		User Change
DhsComplaintAction	2013-03-15 12:27	Update	Secondary Assignment	(b)(6)	102924		User Change
DhsComplaintAction	2011-02-03 12:57	Create	Action Date	02/03/2011	103334		User Change
DhsComplaintAction	2011-02-03 12:57	Create	Action	Short Form	103334		User Change
DhsComplaintAction	2010-12-06 14:27	Create	Action	Back from Officer	102924		User Change
DhsComplaintAction	2010-12-06 14:27	Create	Comments	(b)(5)	102924		User Change
DhsComplaintAction	2010-12-06 14:27	Create	Primary Assignment	(b)(6)	102924		User Change

DhsComplaintAction	2010-12-06 14:27	Create	Action Date	12/06/2010	102924	(b)(6)	User Change
DhsComplaintAction	2010-12-06 14:27	Create	Action	Recommendation Review	102923		User Change
DhsComplaintAction	2010-12-06 14:27	Create	Comments	(b)(5), (b)(6)	102923		User Change
DhsComplaintAction	2010-12-06 14:27	Create	Action Date	12/06/2010	102923		User Change
DhsComplaintAction	2010-11-01 16:56	Create	Action Date	11/01/2010	102734		User Change
DhsComplaintAction	2010-11-01 16:56	Create	Action	Awaiting Recommendation	102734		User Change
DhsComplaintAction	2010-11-01 16:55	Create	Action Date	11/01/2010	102733		User Change
DhsComplaintAction	2010-11-01 16:55	Create	Action	IG Declines/Back from IG	102733		User Change
DhsComplaintAction	2010-10-21 11:38	Create	Action Date	10/21/2010	102665		User Change
DhsComplaintAction	2010-10-21 11:38	Create	Action	Open a Complaint	102665		User Change
DhsComplaintAction	2010-10-21 11:47	Create	Action Date	10/21/2010	102666		User Change
DhsComplaintAction	2010-10-21 11:47	Create	Action	Sent to IG	102666		User Change
DhsComplaintDocument	2010-10-21 11:41	Create	Document Type	Incoming Letter	81496		User Change
DhsComplaintDocument	2010-10-21 11:41	Create	Document 1	Incoming Complaint- (b)(6) pdf	81496		User Change
DhsComplaintDocument	2010-10-21 11:41	Create	Dateentered	10/21/2010	81496		User Change
DhsComplaintDocument	2010-10-21 11:41	Create	Foreign Language	No	81496		User Change
DhsComplaintDocument	2010-11-01 16:54	Create	Document 1	Acknowledgement Letter (b)(6) docx	81547		User Change
DhsComplaintDocument	2010-11-01 16:54	Create	Dateentered	11/01/2010	81547		User Change
DhsComplaintDocument	2010-11-01 16:54	Create	Foreign Language	No	81547		User Change
DhsComplaintDocument	2010-11-01 16:54	Create	Document Type	Draft Response	81547		User Change
	2010-			RE Complaint No. 11-			User

DhsComplaintDocument	11-01 16:21	Create	Document 1	10-ICE-0005 From IG.htm	81546	(b)(6)	Change
DhsComplaintDocument	2010- 11-01 16:21	Create	Dateentered	11/01/2010	81546		User Change
DhsComplaintDocument	2010- 11-01 16:21	Create	Foreign Language	No	81546		User Change
DhsComplaintDocument	2010- 11-01 16:21	Create	Document Type	Draft Response	81546		User Change
DhsComplaintDocument	2010- 11-30 11:51	Create	Document 1	(b)(6) docx	81635		User Change
DhsComplaintDocument	2010- 11-30 11:51	Create	Comments	Updated Complaint Summary.	81635		User Change
DhsComplaintDocument	2010- 11-30 11:51	Create	Dateentered	11/30/2010	81635		User Change
DhsComplaintDocument	2010- 11-30 11:51	Create	Foreign Language	No	81635		User Change
DhsComplaintDocument	2012- 06-13 15:48	Create	Foreign Language	No	86914		User Change
DhsComplaintDocument	2012- 06-13 15:48	Create	Comments	ICE ROI and Exhibits	86914		User Change
DhsComplaintDocument	2012- 06-13 15:48	Create	Dateentered	06/13/2012	86914		User Change
DhsComplaintDocument	2012- 06-13 15:48	Create	Document 1	201100134 AIR.out	86914		User Change
DhsComplaintDocument	2012- 06-13 15:48	Create	Document Type	ROI	86914		User Change
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	11:43					(b)(6)	
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DhsComplaintPartiesInvolved	2010-10-20 16:13	Create	Last Name	(b)(6)	19404		User Change

(b)(6)

From: (b)(6)@dhs.gov
Sent: Thursday, January 20, 2011 9:22 AM
To: (b)(6)
Cc:
Subject: RE: CRCL Complaint Number 11-03-ICE-0046

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@dhs.gov
Sent: Tuesday, January 18, 2011 6:39 PM
To: (b)(6)
Cc:
Subject: RE: CRCL Complaint Number 11-03-ICE-0046

(b)(6)

Summary of new complaint for your review:

On December 14, 2010, CRCL received correspondence from Attorney (b)(6) of the Immigration Law Offices of (b)(6) on behalf of Mr. (b)(6). Mr. (b)(6) initially filed a Statement Contesting Intent to File Reinstatement Order with DHS-New Orleans District Office, but Mr. (b)(6) believes that ICE officers have committed violations of the Fourth Amendment and other civil rights violations in the case of approximately nineteen others arrested during a raid on the Clairmont Apartment Complex in Nashville, Tennessee on October 20, 2010.

Mr. (b)(6) alleges that ICE violated his due process rights in his detention, arrest and interrogation. He alleges that ICE officers engaged in coercive questioning, detention without reasonable suspicion, and arrest without probable cause, and that ICE or a DSCO violated Mr. (b)(6) right to counsel during an examination.

He alleges violations of Fourth Amendment rights and excessive use of force by ICE agents during a raid at an apartment complex in Nashville, TN on October 20, 2010 that led to his arrest and detention. (He was detained at ICE Oakdale and Jena Detention Center.) The correspondence indicates that Mr. (b)(6) provided ICE New Orleans Field Office with his enclosed Statement detailing these allegations. In that Statement, Mr. (b)(6) contests DHS' decision to reinstate an Order of Removal originally imposed on him by an Immigration Judge in 2008.

Thank you.

(b)(6)

Program Analyst

Compliance Branch

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(202) 357-(b)(6) phone)

(b)(6) @dhs.gov

IMMIGRATION LAW OFFICES OF

(b)(6)

ATTORNEYS AT LAW

(b)(6)

Nashville, TN 37217

(615) (b)(6) Fax (615) 321-5230

E-Mail: (b)(5)

December 2, 2010

Office for Civil Rights & Civil Liberties

DEC 14 2010

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Review and Compliance
245 Murray Lane, SW
Building 410, Mail Stop #0190
Washington, DC 20528

RE:

(b)(6)

Dear Sir or Madam:

On this date, I am transmitting to you a copy of the Statement Contesting Intent to File Reinstatement Order including all Exhibits attached thereto in the above-referenced matter. This was originally sent to Department of Homeland Security — New Orleans District Office.

The reason for this transmittal is because I believe very strongly that ICE officers have committed egregious violations of the Fourth Amendment and other civil rights violations in this case in the cases of approximately nineteen others arrested during a raid on the Clairmont Apartment Complex, (b)(6) Nashville, TN on October 20, 2010. The events which transpired during the raid and which form the basis of my allegations are detailed in the exhibits in the enclosed Statement.

Thank you for your attention to this matter.

With best regards.

(b)(6)

Enclosure as Noted

Cc:

Margo Schlanger

DHS Officer for Civil Rights and Civil Liberties

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

Building 410, Mail Stop #0190

Washington, D.C. 20528

BEFORE THE SECRETARY OF HOMELAND SECURITY
NEW ORLEANS DISTRICT OFFICE

In Re:

(b)(6)

Respondent

No.

(b)(6)

STATEMENT CONTESTING INTENT TO FILE REINSTATEMENT ORDER

Comes now the Respondent, (b)(6) by and through his undersigned attorney who is representing Respondent on a pro bono basis, hereby files this Statement contesting the determination by the Secretary of Homeland Security to reinstate an Order of Removal allegedly entered against Respondent by an Immigration Judge in the San Francisco Immigration Court on June 30, 2008.

This Statement, which incorporates the Respondent's own Declaration, attached hereto as Exhibit A, also incorporates other exhibits listed on the Table of Exhibits and attached hereto.

This Motion is filed pursuant to the authority of 8 CFR § 241.8(b). Although it appears that Respondent signed Form I-871, Acknowledgement and Response and checked the box which said, "I do not wish to make a statement contesting this determination", he did so under coercion and confusion following an illegal forcible entry into his apartment and without benefit of legal counsel. Legal counsel has been prevented from having access to Respondent ever since the apartment invasion on October 20, 2010 until a phone interview on November 15 and 16, 2010. The Acknowledgement and Response box was checked only hours after the Clairmont Apartment raid, which traumatized Respondent so that he did not have full command of his faculties and could not comprehend the import or significance of what he was signing. Respondent through counsel hereby revokes the Response signed on October 20, 2010

and now states his desire to make a statement, including his Declaration and all other Exhibits attached hereto, contesting the determination made on that date.

Facts

Respondent resided at the Clairmont Apartment Complex, Apartment (b)(6) (Exhibit B, ¶4). He was inside his residence at Clairmont Apartment (b)(6) when ICE agents broke through the doors and windows of the apartment (Exhibit A, ¶3) at the time of the raid conducted by ICE on October 20, 2010 (Exhibit A, ¶2) at approximately 6:00-6:30 PM (Exhibit C, ¶5). A total of six (6) men were in (b)(6) at the time of the raid (Exhibit B, ¶3). All windows and doors were locked (Exhibit B, ¶6).

The raid at (b)(6) started with loud banging at the door and yelling, "Open up! Police!" (Exhibit A, ¶7 and Exhibit B, ¶7). No person inside the apartment opened any door or any window (Exhibit A, ¶6 and Exhibit B, ¶6). No person inside the apartment gave consent for any person to enter into the apartment, either from the inside hallway or from the outside (Exhibit A, ¶6). Police broke through the Apartment (b)(6) wooden/fiberglass door accessing the interior hallway of the apartment complex (Exhibit C, ¶6) and broke through and pried open one of the apartment windows leading from the outside (Exhibit A, ¶5 and Exhibit C, ¶14). See pictures of the damage to the door and window at Exhibit H.

At least seven (7) ICE agents broke into the apartment (Exhibit B, ¶9). Even though none of the (b)(6) occupants had guns (Exhibit C, ¶18), several ICE agents had guns drawn (Exhibit A, ¶8). Many agents wore vests that said "POLICE-ICE" (Exhibit A, ¶10; Exhibit B, ¶9; see Exhibit F for "Demonstrative Examples of "ICE POLICE" Clothing;), and some screamed "Don't move! Get down on the ground!" (Exhibit A, ¶8).

Respondent was in his bedroom at the time of the ICE break-in and some ICE agents broke through his bedroom door while saying, "Open the door, bitches!" (Exhibit A, ¶9). The entire encounter

was laced by extremely ugly and offensive profanities, some racial in nature (see, e.g., Exhibit A, ¶ 11, 12, 14; Exhibit B, ¶¶ 12, 15, 16, 18, 23, 30). No arrest warrants or search warrants were produced even though several residents requested to see them (Exhibit B, ¶ 19-20); the only response was a profane reply which necessarily implied that ICE agents did not need warrants to break into a residence and arrest the occupants (Exhibit A, ¶ 13; Exhibit C, ¶¶ 18-19).

ICE handcuffed all occupants (Exhibit A, ¶ 17; Exhibit B, ¶ 26). When Respondent was handcuffed, the ICE officer made them fit so tightly that Respondent was in pain, but when the ICE officer was asked to provide some relief, Respondent was ridiculed and cursed (Exhibit A, ¶ 18; Exhibit B, ¶¶ 28-30).

After removed from the premises, Respondent and (b)(6) were put in the same vehicle (Exhibit B, ¶ 27) and taken first to the ICE office in MetroCenter in Nashville (Exhibit B, ¶ 31), where they were fingerprinted and photographed (Exhibit B, ¶ 31) and “made” to “sign papers” (Exhibit B, ¶ 33). It was in this atmosphere of coercion and trauma that Respondent signed the I-871, dated 10-20-2010 (the night of the raid), indicating: “I do not wish to make a statement contesting this determination.” All F-106 occupants were later taken to “a jail in downtown Nashville” and “checked all night, given injections, and processed with paperwork” (Exhibit B, ¶ 34).

The next day, an African-American employee at the Metro Nashville Jail put an ICE agent on notice that attorneys were trying to contact the (b)(6) occupants and “get them out”, but the ICE agent ignored her. They were removed from the jail moments later and returned to the ICE office in MetroCenter (Exhibit B, ¶ 35). On Friday morning, October 22, 2010, all Clairmont detainees were transported from Nashville to Ft. Payne, Alabama, despite ICE’s knowledge that attorneys desired to confer with them and represent them (Exhibit B, ¶ 36; Exhibit R).

On Saturday, October 23, 2010, a number of attorneys (including (b)(6) of the ACLU of Tennessee) and translators traveled to Ft. Payne, Alabama to interview all the Clairmont detainees known to have been arrested at that time. There were six detainees, including Respondent, who could not be interviewed on Saturday, October 23 because "they could not be located" according to officials at the Ft. Payne Detention Center. Approximately 14 of the 20 known Clairmont detainees were interviewed and signed G-28s and FOIA Requests, but the Respondent was not one of the 14. See Exhibit L.

Clairmont detainees were then transported to Jena Detention Center in LaSalle, Louisiana. The undersigned attorney asked for NTAs on all detainees, and my office received on November 4, 2010 what ICE claims is an NTA on Respondent (see Exhibit I)¹ bearing the Case No. A089-110-675. At that time my office realized that this NTA had an "old A number" and was dated 5/4/2008; consequently, my office ran a check on the status of this case in the Immigration Court Database System and discovered that an Order of Removal had been issued with that Case Number.

My office then called Jena and Oakdale and requested (a) a copy of the order of removal in Case No. (b)(6) (b) a copy of the I-871 with that Case Number, and (c) a phone consultation with Respondent. The phone consultation did not take place until Monday, November 15, 2010, and the Order of Removal and Reinstatement Order were not faxed to our office until Tuesday, November 16, 2010. Since November 4, 2010, both ICE Oakdale and the Jena Facility in LaSalle, Louisiana have constructed an obstacle course designed to prevent access to Respondent by the undersigned attorney and others acting at his behest and refused to furnish a copy of necessary documentation to represent Respondent. See Exhibits M, N, O, P and Q. It is interesting to note that the date DHS/ICE received the Order of Removal is 10/21/2010 while the Reinstatement Order is dated 10/20/2010, making this process illegal.

¹ Respondent is not conceding for purposes of this Statement that he is the person named in the Notice to Appear. It is not uncommon for different individuals to have the same name. For example, this office has recently learned that two persons with the same name but different A numbers were arrested during the Clairmont Raid: (b)(6)

(b)(6)

Grounds for Contesting the Reinstatement Determination

1. The Secretary, through Immigration and Customs Enforcement (ICE) Agents, has violated due process to permit evidence obtained as the result of coercion.

2. The Secretary, through her ICE agents, violated its own regulations, including but not limited to 8 CFR § 241.8, and other guidelines that are intended for the benefit of the Respondent and Respondent suffered prejudice as a result of these violations.

3. The Secretary, through her ICE agents, committed egregious violations of the Fourth Amendment to the U.S. Constitution, and any evidence obtained as the result of egregious Fourth Amendment violations cannot be used in a reinstatement proceeding.

4. The manner in which the Secretary, through her ICE agents, conducted the investigation at the Clairmont Apartments calls into question the integrity of the action of the Department of Homeland Security, which implicates, inter alia, Accardi v. Shaughnessy, 347 U.S. 260 (1954).

5. The Secretary, through ICE Agents, has violated due process by seriously interfering with attorney-client communications and relations.

Legal Discussion

(1) All evidence in the possession of DHS / ICE which ties Respondent in custody to the individual who was subject to the Order of Removal by the San Francisco Immigration Judge was obtained through coercion that started with the raid and illegal break-in by ICE agents at the Clairmont Apartment (b)(6) on October 20, 2010 at approximately 6:00 PM ("Clairmont Raid"), and continued through the night. This includes the fingerprints that were taken on October 20, 2010 as well as any confessions or statements made by or taken from Respondent by DHS / ICE. This in violation of due process as guaranteed by the U.S. Constitution.

It is not "fundamentally fair" to use evidence that deprives Respondent of due process. *Baliza v.*

INS, 709 F.2d 1231 (9th Cir. 1983); *Tashnizi v. INS*, 585 F.2d 781 (5th Cir. 1978); *Matter of Toro*, 17 I&N Dec. 340 (BIA 1980); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503 (BIA 1980); *Matter of Lam*, 14 I&N Dec. 168 (BIA 1972).

The Fifth Amendment's Due Process Clause prohibits, inter-alia, coercive questioning. See *Cooper v. Dupnik*, 963 F.2d 1220, 1237 (9th Cir. 1992). At least one circuit court has recognized that Fifth Amendment violations can warrant suppression in the immigration context. *Navia-Duran v. INS*, 568 F.2d 803 (1st Cir. 1977); *Kandamar v. Gonzalez*, 464 F.3d 65 at 71 (1st Cir. 2006).

It is well-settled that the Fifth Amendment entitles aliens within the United States to due process of law. *Reno v. Flores*, 507 U.S. 292 (1993); *Phyller v. Doe*, 457 U.S. 202, 210 (1982) (stating that "even aliens whose presence in this country is unlawful have long been recognized as 'persons' guaranteed due process of law by the Fifth and Fourteenth Amendments"); *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (recognizing that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent"); see also *Felzcerek v. INS*, 75 F.3d 112, 116 (2nd Cir. 1996); *Matter of Toro*, 17 I&N Dec. 340, 343 (BIA 1980).

If the manner in which evidence is seized is so egregious that its probative value is undermined, or reliance on it would transgress notions of fundamental fairness, the use of that evidence would violate the Fifth Amendment requirement of due process. See *INS v. Lopez-Mendoza*, 468 U.S. 1032 at 1050-51 (1984); *Matter of Velasquez*, 19 I&N Dec. 377 (BIA 1986); *Matter of Toro*, 17 I&N Dec. 340; *Matter of Sandoval*, 17 I&N Dec. 70 (BIA 1979). Therefore, evidence obtained pursuant to an egregious Fourth Amendment violation can be suppressed under the Fifth Amendment. *Matter of Toro*, 17 I&N Dec. at 343 (egregious Fourth Amendment violation may render evidence inadmissible under the due process clause).

The applicability of the exclusionary rule is not limited to criminal proceedings and its use in

civil proceedings is well-established. The reasoning is well-stated in *U.S. v. Blank*:

Where as here there is a correlative civil action open to the Government which imposes a penalty . . . commensurate with the criminal sanctions to which an accused, victimized by an illegal search, would be exposed, then we see no distinguishable difference between the two forms of punishment which excuses the Government from complying with Constitutional mandates when prosecuting their action in a civil forum.

261 F. Supp 180, 182 (N.D. Ohio 1966). There is nothing about a removal proceeding which makes the application of the rule less compelling or less effective:

The exclusionary rule . . . links the power to search and seize with the use of incriminatory evidence. Its purpose is to insure that abuse of one takes the profit out of the acquisition of the other. It prevents the violation by penalizing the violator. Aborting the consequences of the violation is only an incidental result, or better stated, a means to the primary end of curbing Fourth amendment violations.

....

So long as an abuse of a power to invade privacy and arrest and search, might be an integral part of the gathering of incriminatory evidence for use in either a civil or criminal proceeding, as is possible in deportation cases, it would seem to make little difference, so far as the violation is concerned, if the end result is the use of the evidence in a civil, or criminal, proceeding, or both. If anything, looking to the need for the rule, it would seem to follow that the less significant the objective sought to be obtained by the breach of the constitutional imperative, the more reprehensible and needful of restraint or deterrence, is the violation.

Matter of Sandoval, 17 I&N 170, 186 (Applemen, concurring in part and dissenting in part).

The concept of fundamental fairness in immigration proceedings has been long required in due process. *Trias Hernandez v. INS*, 528 F.2d 366 (9th Cir. 1975); *Marlowe v. INS*, 457 F.2d 1314 (9th Cir. 1972); *Matter of Toro*, 17 I&N Dec. 340 (BIA 1940).

(2) The conduct of ICE agents during the Clairmont Raid violated all regulations and guidelines intended to govern and regulate the actions of ICE agents as they encounter persons in residences. They also violated the provision of 8 CFR § 241.8. This regulation requires DHS/ICE to determine (a) whether the alien has been subject to a prior order of removal, (b) whether the alien in custody is in fact

the alien who was previously removed through a verification process that compares the fingerprints of the previously-removed alien with the subject alien. Without that fingerprint verification, the alien cannot be removed. Respondent maintains that his fingerprints were illegally obtained on October 20, 2010 and cannot be properly used to satisfy the requirements of 8 CFR § 241.8.

It is axiomatic to the rule of law that an agency must adhere to its own regulations. Even assuming arguendo that DHS/ICE denies suppression of evidence, reinstatement proceedings must still be terminated when ICE violates regulations or sub-regulatory rules that affect the fundamental rights of a Respondent. *Singh v. U.S. Department of Justice*, 461 F.3d 290, 296-97 (2nd Cir. 2006). ICE agents or their delegated agents in DCSO violated multiple regulations and sub-regulatory rules during the course of the arrest and interrogation of Respondent. These regulations and sub-regulatory rules were promulgated to protect Respondent's Fourth and Fifth Amendment rights, which are clearly "fundamental". Accordingly, this Court must terminate these proceedings, or at the very least, conclude that Respondent has established a prima facie case of agency regulatory violations, shifting the burden to ICE to justify its conduct at an evidentiary hearing. *Matter of Barcenas*, 19 I&N Dec. 609, 611 (BIA 1988).

ICE violated four (4) regulations during the course of Respondent's detention, arrest, and interrogation. They are outlined below.

A. ICE violated the regulation barring coercive questioning. 8 CFR § 287.8(c)(viii).

B. ICE violated the regulation that there be no detention without a reasonable suspicion. 8 CFR § 287.8(b)(2).

C. ICE violated the regulation that there be no arrest without probable cause. 8 CFR § 287.8(c)(2)(i).

D. ICE or its delegated agent in the DCSO violated the regulation that gave Respondent right to counsel at examination. 8 CFR § 292.5(b).

(3) Egregious violations of the Fourth Amendment to the U.S. Constitution were committed by DHS/ICE on October 20, 2010. Respondent contends that any evidence obtained as a result of egregious Fourth Amendment violations cannot be used in a reinstatement proceeding.

It is true that in INS v. Lopez-Mendoza, 468 U.S. 1032 (1984), the U.S. Supreme Court held that the exclusionary rule is generally not applicable to immigration proceedings. Specifically, the Court held: "At issue here is the exclusion of credible evidence gathered in connection with peaceful arrests by INS officers. We hold that evidence derived from such arrests need not be suppressed in an INS civil deportation hearing." 468 U.S. at 1051. The Court did allow for the possibility for suppression for "egregious" Fourth Amendment violations that rise to the level of due process violations under the Fifth Amendment. Further, the Court stated that "conclusions concerning the exclusionary rule's value might change, if there developed good reason to believe that Fourth Amendment violations by [enforcement] officers were widespread." 468 U.S. at 1050; see also Almeida-Amaral v. Gonzales, 461 F.3d 231 at 234 (2nd Cir. 2006). While Lopez-Mendoza makes it clear that suppression standards under immigration and criminal law are distinct, Lopez-Mendoza nowhere states or implies that suppression is not permissible in immigration matters.

A detention or seizure without a reasonable suspicion can merit suppression of resulting evidence in removal proceedings. Almeida-Amaral v. Gonzalez, 461 F.3d 231 (2nd Cir., 2006). The same thing should be true of reinstatement proceedings.

Further, the BIA has held that any evidence resulting from an egregious arrest would necessarily be excluded by the application of the exclusionary rule. See *Matter of Cervantes Torres*, 21 I & N Dec. 351, 353 (BIA 1996) (citing INS v. Lopez-Mendoza, 468 U.S. 1032 (1984) (exclusionary rule applies in

deportation proceedings involving egregious violations which transgress notions of fundamental fairness); for a discussion of the Board's historical adherence to the exclusionary rule in immigration proceedings, see *Matter of Sandoval*, 17 I&N 170, (Applemen, concurring in part and dissenting in part).

The exclusionary rule applies in this case to require the suppression of all evidence and statements collected from Respondent in this case. In *INS v. Lopez-Mendoza*, 468 US 1032 (1984), the Supreme Court set forth the test for determining whether the exclusionary rule under the US Constitution should be applied in a particular proceeding — the court must weigh “the likely social benefits of excluding unlawfully seized evidence against the likely costs.” At p. 1041.

Courts are required to engage in a multi-factor analysis to decide this issue. A close analysis of the relevant factors demonstrates that the exclusionary rule must be applied in this case. The Supreme Court listed several factors to be considered.

The first factor is the deterrence value of applying the exclusionary rule in a particular case. The prime purpose of the exclusionary one, “if not the sole one, is to deter future unlawful police misconduct”. *U.S. v. Janis*, 428 U.S. 433 at 446 (1976). Deterrence of the pattern of unlawful police conduct is certainly warranted in the case at hand.

The second factor is whether applying the exclusionary rule would have a significant cumulative deterrent effect. Exhibit G shows that the violations complained of herein are frequently repeated and need a significant deterrent effect.

The third factor is whether ICE has its own comprehensive scheme for deterring 4th Amendment violations. This is obviously not the case due to the demonstrated widespread repeated occurrence of such violations.

The fourth factor is whether alternative remedies are available to address the institutional

practices of ICE. It is true that Respondent can file a suit in federal court, but if the evidence objected to herein is admitted, Respondent may not be in the United States long enough to pursue an extensive lawsuit. No alternative remedies — such as punishment for offending officers — are available here.

There is a line of Supreme Court cases that holds that a court cannot suppress the identity of the defendant for the purpose of eliminating a court's jurisdiction over the person arrested even where the arrest is illegal. *Frisbie v. Collins*, 342 U.S. 519 at 522 (1952); *Kerr v. People of State of Illinois*, 119 U.S. 436 at 443 (1886); *INS v. Lopez-Mendoza*, 468 U.S. 1032 at 1039 (1984). The circuit courts of appeals have, however, split in their more recent opinions. The Eighth Circuit recognizes a distinction between suppressing evidence of identity, which is suppressible, and a court's authority to retain personal jurisdiction over an individual that the government arrested unlawfully. *U.S. v. Guevara-Martinez*, 262 F.3d 751 at 754 (8th Cir. 2001). The Tenth Circuit followed the Eighth Circuit's analysis in holding that a district court could suppress unlawfully obtained evidence of a person's identity, including a person's name, fingerprints, and A-file. *U.S. v. Olivares-Rangel*, 458 F.3d 1104 at 1112 (10th Cir. 2006). In this case, the arresting agents had randomly stopped a vehicle leaving a trailer park based upon a generalized unreliable tip regarding "illegal aliens" possibly involved in criminal activities who were allegedly living in that trailer park. The defendant was a passenger in the car, and, after the unlawful stop, an agent recognized him as someone whom he had previously arrested and helped to deport. The Fourth Circuit followed the Eighth and Tenth Circuits' view on this issue. *U.S. v. Oscar-Torres*, 507 F.3d 224 (4th Cir. 2007). The Ninth Circuit distinguishes between identity and fingerprints, but there appear to be tensions in its case law on this issue. Compare *U.S. v. Guzman-Bruno*, 27 F.3d 420 at 422 (9th Cir. 1994), as amended, (Sept. 23, 1994) (holding that a defendant cannot suppress evidence of identity in illegal reentry prosecution), *U.S. v. Del Toro Gudino*, 376 F.3d 997 at 1001 (9th Cir. 2004) (same even with egregious Fourth Amendment violation), and *U.S. v. Parga-Rosas*, 238 F.3d 1209 (9th

Cir. 2001), with *U.S. v. Garcia-Beltran*, 389 F.3d 864 at 868 (9th Cir. 2004) (distinguishing cases that involved identity and recognizing difference between fingerprints and identity). The Fifth Circuit holds that a district court cannot suppress identity, an A-file, or fingerprints as the result of an unlawful arrest. *U.S. v. Herrera-Ochoa*, 245 F.3d 495 (5th Cir. 2001); *U.S. v. Roque-Villanueva*, 175 F.3d 345 at 346 (5th Cir. 1999); *U.S. v. Pineda-Chinchilla*, 712 F.2d 942 at 944 (5th Cir. 1983). The First Circuit shares this view. *Navarro-Chelan v. Ashcroft*, 359 F.3d 19 (1st Cir. 2004).

(4) The integrity of DHS is called into question by the conduct of DHS/ICE agents during the Clairmont Raid, and this implicates *Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

(5) The reinstatement of an alleged prior order of removal in this case constitutes a violation of due process in that Petitioner was (a) prevented on a repeated basis from having access to and consulting with his attorney or related legal representatives prior to the reinstatement; (b) prevented from executing necessary documents to facilitate full representation by his attorney or related legal representatives; (c) not afforded — either himself or through his attorney — the opportunity to review the immigration court file upon which the reinstatement order is based; (d) not afforded — either himself or through his attorney — to respond to the allegations against him before the DHS reinstated the prior order to removal; (e) prevented from arranging for the preparation and placement of documents and entering other information into the administrative record; and (f) not provided adequate and timely notice of DHS's intended action in this case.

Document fully submitted

(b)(6)

Nashville, TN 37212

(615)

(b)(6)

(O)

(615)

(F)

Email:

(b)(6)

BEFORE THE SECRETARY OF HOMELAND SECURITY
NEW ORLEANS DISTRICT OFFICE

In Re:

(b)(6)

Respondent)

No. A089-110-675

TABLE OF EXHIBITS

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this Statement Contesting Intent to File Reinstatement Order have been served upon the following persons by placing a true and correct copy of said pleading in Federal Express for overnight delivery, addressed as follows:

Janet Napolitano, Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

(b)(6),(b)(7)(C) District Director
DHS/ICE 1250 Poydras Suite 325
New Orleans, LA 70113

(b)(6),(b)(7)(C) Field Office Director
DHS/ICE 1250 Poydras Suite 325
New Orleans, LA 70113

ICE Officer in Charge
Office of Enforcement and Removal Operations
1010 East Whatley Road
Oakdale, LA 71463

DATED: 11/17/2010

BY: _____

(b)(6)

DECLARATION OF

(b)(6)

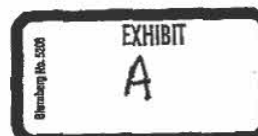
I, (b)(6)

voluntarily make the following

Declaration subject to the laws of perjury in accordance with 28 U.S.C. §1746:

1. My true name is (b)(6) I am an adult, of sound mind and body, and am in all respects qualified to make the statements herein. I cannot read or speak English proficiently. This Declaration has been translated into Spanish for me, and I have signed both English and Spanish versions of this document.
2. I was at the Clairmont Apartment complex during the raid Immigration and Customs Enforcement ("ICE") conducted there on October 20, 2010.
3. I was in Apartment (b)(6) when ICE agents broke through our doors and windows.
4. I had just finished cooking dinner when we saw some police in the complex through the glass sliding door.
5. I was in one of the apartment's two bedrooms when the ICE agents came in. I heard them break through the door and saw them break thorough and then pry open one of the windows.
6. Nobody in the apartment ever opened a door or window. Nobody ever gave the people were banging on the doors and windows permission to enter our home.
7. Before they broke in, someone said, "Open up! Police!" and banged really hard on our back door.
8. When they came in, several of the ICE agents had their guns out. They were screaming at us. They said, "Don't move! Get down on the ground!"
9. Just before the ICE agents broke through the bedroom door into the room where I was, someone said, "Avren la puerta, putos." ("Open the door, bitches!").

15



10. Their vests said, "POLICE-ICE" on them.
11. One of the ICE agents called me and my roommates "Fucking Wetbacks."
12. Another one of the ICE agents, a tall, fat, bald man, said, "Fucking Mexicans!" as he was pointing his gun at my roommate, (b)(6)
(b)(6)
13. When (b)(6) later asked the ICE agents if they had a warrant or an order to enter our home, the agent grabbed his crotch and said, "The warrant is coming out of my balls."
14. Another of the agents said, "Fucking Mexicans think they don't have to open the door."
15. Before they put handcuffs on me, one of the ICE agents asked me if my name was (b)(6) (b)(6) is my brother. I said "I'm not (b)(6)" The agent said something like, "We are going to find out if you are lying."
16. When we got to the ICE office, the ICE agent had photographs of my brother, (b)(6) and looked at me as I was getting booked, and said, "Yeah. You're right. This isn't you."
17. After we were all handcuffed, the ICE agents asked us all in English where we are from. I don't speak or understand much English. I think one of my friends answered the question for me.
18. After they put the handcuffs on me, I told one of the ICE agents that they were very tight. He said, "Are you a man, or a little woman?"
19. The same person who arrested me in the apartment was the person who asked me questions at the ICE office while I was being booked. I know this because that was the person who thought I was my brother.
20. At no time after I was arrested was I informed of or given the opportunity to contact my consulate.

SIGNATURE OF DECLARANT ON NEXT PAGE

(b)(6)



DECLARACIÓN DE (b)(6)

Yo, (b)(6) hago voluntariamente la declaración

siguiente conforme a las leyes del perjurio de acuerdo con 28 U.S.C. §1746:

1. Mi nombre verdadero es (b)(6) Soy un adulto, de mente y cuerpo sano, y en todos los aspectos calificado para hacer las declaraciones adjuntas. No tengo competencia ni para leer en inglés ni para hablar inglés. Esta declaración se ha traducido al español para mí, y he firmado versiones inglesas y españolas de este documento.

2. Estaba en el complejo de apartamentos de Clairmont durante la incursión que inmigración y la aplicación de las aduanas ("ICE ") condujo allí el 20 de octubre de 2010.

3. Estaba en el apartamento (b)(6) cuando los agentes de ICE se atravesaron, rompiendo nuestras puertas y ventanas.

4. Acababa de cocinar la cena cuando vimos una algunas policías en el complejo a través de la puerta de corredera de cristal.

5. Estaba en uno de los dos dormitorios del apartamento cuando vinieron los agentes del ICE adentro. Los oí atravesar la puerta y los vi romper cuidadoso y después alzaprimar el abierto de las ventanas.

6. Nadie en el apartamento abrió nunca una puerta o una ventana. Nadie dio nunca a la gente golpeando en las puertas y en las ventanas al permiso para entrar en nuestro hogar.

7. ¡Antes de que se atrevasaron, alguien dijo, "abra! Policía!" y golpearon fuertemente en nuestra puerta de atrás.

8. Cuando entraron, varios de los agentes del ICE tenían sus armas fuera. Nos gritaban. ¡Dijeron, "no se mueva! Al piso!"

9. Momentos antes que los agentes del ICE se atravesaran la puerta del dormitorio en el cuarto donde estaba, alguien dijo, "Avren la puerta, putos." ¡("Abra la puerta, perras! ").

10. Sus chalecos decían, "POLICE-ICE" en ellos.

11. Uno de los agentes del ICE me llamó a mí y a mis compañeros de cuarto "mojados."

12. Otro de los agentes del ICE, hombre alto, gordo, calvo, dijo, los "pinches mexicanos!" mientras apuntaba su arma a mi compañero de cuarto,

(b)(6)

13. Cuando (b)(6) preguntó más adelante a los agentes del ICE si tenían una autorización o una orden para entrar a nuestro hogar, el agente agarró su entrepierna y dijo, "la autorización está saliendo de mis huevos."

14. Otro de los agentes dijo los "los putos mexicanos piensan que no tienen que abrir la puerta."

15. Antes de que me pusieran las esposas, uno de los agentes del ICE me preguntó si mi nombre era (b)(6) es mi hermano. Dije que "no soy (b)(6)" El agente dijo algo como, "vamos a descubrir si usted está mintiendo."

16. Cuando llegamos a la oficina del ICE, el agente del ICE tenía fotografías de mi hermano, (b)(6) y me miró me como reservado, y dijo, "sí. tiene razón. Éste no es usted."

17. Después de que nos pusieran esposas a todos, los agentes del ICE nos preguntaron todos en inglés de donde éramos. No hablo ni entiendo mucho inglés. Pienso que uno de mis amigos le contestó la pregunta de mi parte.

18. Después de que me pusieran las esposas, le dije a uno de los agentes del ICE que eran muy apretadas. Él dijo, "es usted un hombre, o una mujercita?"

19. La misma persona que me arrestó en el apartamento era la persona que me hizo preguntas en la oficina del ICE mientras que me reservaban. Lo sé porque era la misma persona que pensó que yo era mi hermano.

20. En ningún momento después de que me arrestaran fui informado o dado la oportunidad para contactar a mi consulado.

(b)(6)

CERTIFICATE OF TRANSLATION

I, (b)(6), state under penalty of perjury that I am
familiar with the English and the Spanish languages and am
competent to make translations and that I have made the attached translation into Spanish
document entitled or pertaining to:

and that it is a complete and accurate translation thereof.

Dated 11/17/2010

Signed (b)(6)

(b)(6)

Nashville, TN 37217

DECLARATION OF

(b)(6)

I, (b)(6) voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 U.S.C. §1746:

1. My true name is (b)(6) I am an adult, of sound mind and body, and am in all respects qualified to make the statements herein. I can read and speak English.

2. On the early evening of October 20, 2010, I was present at the Clairmont Apartment complex during the raid Immigration and Customs Enforcement ("ICE") conducted there.

3. I reside at and was in apartment (b)(6) when ICE agents broke through the door and windows to arrest me and five other men in the apartment at gunpoint.

4. One of the other men who resided at and was in apartment (b)(6) who was arrested when ICE broke in was (b)(6)

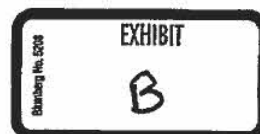
5. About twenty minutes before ICE broke through our doors and windows, one of my roommates said to me that he had seen some guys with tattoos getting arrested in one of the other buildings within the Clairmont complex. I assumed those guys had committed a crime, and that was why they were being arrested. My roommates and I did not think we had any reason to be worried because we were in our apartment and we had committed no crime.

6. Even though we did not think anyone would bother us, we decided to make sure our doors and windows were closed and locked.

7. Then, about twenty minutes later, I heard loud banging at the door. Someone was pounding on the door really hard, yelling for us to open up. At this time, I was lying on my bed reading my Bible.

8. We knew that we did not have to open our door unless the police had a warrant, so nobody opened the door. When the banging got louder, one of my roommates got scared and hid in the bathroom. Another hid in the bedroom closet.

9. Then at least seven ICE agents broke into our apartment. I believe they were ICE agents because they were all wearing either black vests that read



"POLICE ICE" or other lettering on their clothing or plastic identification cards attached to their waist that read "ICE."

10. One set of agents came through our front door, which was locked. At the same time, a second group of agents broke the closed window in our master bedroom where I was.

11. Three agents entered our bedroom with guns drawn. They were pointing their guns at us. One agent was overweight and had a large belly. His shirt was too small for him, and his love handles were spilling out on the side. His vest read "ICE." His hair was graying. I would instantly recognize him if I saw him again.

12. When he saw us, that agent said to the others, "We have four here. We have four Mexican son of a bitches."

13. The other agents followed the overweight one inside the bedroom. One of the other agents was a shorter African-American woman. Another was a Caucasian man.

14. In addition to the ones in the bedroom at the beginning, there was also another muscular male ICE agent with a red shirt that said "ICE" on it who was aiming his gun inside the apartment. Another ICE agent was a balding Asian man. There was also a light-haired, Caucasian female ICE agent. There was also a well-groomed and well-dressed Caucasian male in a black shirt and vest that said "POLICE ICE."

15. Some of them were screaming racial slurs and obscenities at us. Some of the things they said were:

- a. "Fucking motherfucker!"
- b. "Mexican son of a bitch!"
- c. "Asshole!"

16. One of the ICE agents in the bedroom screamed, in English, while he was looking at us: "Fucking assholes. They don't come to the door. These fucking asshole son of a bitches."

17. The overweight ICE agent kicked in the door to the bathroom where one of my roommates was. He put his gun to my roommate's head and taunted him with more racial epithets and obscenities.

18. Then one of the ICE agents opened the closet door where another of my roommates was. The agent put a gun to his head as well and screamed curse words and racial slurs at him.

19. At one point, one of my roommates asked, in English, whether the ICE agents had a warrant. One of the agents grabbed his genitals with one hand and said something like, "The warrant is coming out of my balls."

20. I also asked in English if they had a warrant or an order or anything that allowed them to break into our locked apartment. Nobody answered me or showed me or gave me any warrants or papers of any kind.

21. While the ICE agents were kicking in the bathroom door, I was frozen in terror on my bed. At one point, one of the agents pointed to me and asked me if I had "papers." I said "no." They did not ask me where I was born, or any other questions.

22. One of the agents told me to stand up. I did not have a shirt or shoes on, and I told the agent I needed these things. The African-American female agent grabbed a shirt from the closet and gave it to me. Later, they took me back into the bedroom to get shoes.

23. The ICE agents took all six of us into the living room of the apartment and made us sit down. We sat there for what seemed like a long time. During this time, the ICE agents were talking to each other. The overweight male ICE agent said to the others, "those fucking assholes won't open the door." He was talking about us.

24. At one point while we were sitting in the living room, another ICE agent came into the apartment and said, "Oh, it smells good in here." He went over to the kitchen and opened the pot in which one of my roommates had been making spaghetti for dinner.

25. They were also asking each other if they'd gotten "the others," and "where they'd put them."

26. At some point, they handcuffed all of us and took us outside. We were put in separate vehicles.

27. I was put in a Chevy Tahoe or something similar. There was only one agent in this vehicle, but there were two of us. The other guy was (b)(6) (b)(6)

28. The reason we were in the same car is because I begged the ICE agents to let me go with him. (b)(6) is 20, but he is still very little, and he acts and looks like he is 15 or 16.

29. I saw and heard (b)(6) tell one of the ICE agents who spoke Spanish that his cuffs were too tight, and Jose asked if they could loosen the cuffs because they were hurting him. The ICE agent responded, "Are you a man or a little woman?"

30. Then I told (b)(6) not to say anything else. The ICE agent told (b)(6) "Shut your big fucking mouth."

31. ICE took us all to an office at MetroCenter in Nashville. ICE put us all in a cell. ICE took our photographs and our fingerprints. By this time, my head began to hurt really bad. I asked one of the ICE agents if I could have some pills. The agent told me, "No. This isn't a pharmacy."

32. I have terminal brain cancer. I have already undergone surgery and radiation. My last MRI showed a 21 mm tumor behind my right eye. This tumor had grown since the previous MRI.

33. Later, when the ICE agents were making us sign papers, I asked again. The overweight ICE agent gave me two pills and a water bottle, but only after I'd signed.

34. Then ICE cuffed us again and took us to a jail in downtown Nashville. We were checked all night, given injections, and processed with paperwork. Early the next morning, ICE came to take us away.

35. An African-American lady who worked at the jail wondered where we were being taken. She told one of the ICE agents that "the lawyers are trying to get them out." That agent did not pay attention to this woman. Then the African-

American lady told the ICE agent to wait a minute because she had to ask a supervisor. Soon after that, ICE took us back to MetroCenter.

36. Soon after that, we were taken to another jail in Ft. Payne, AL.

37. At no point after I was arrested was I given the opportunity to contact my Consulate.

(b)(6)



CERTIFICATE OF TRANSLATION

I, (b)(6), state under penalty of perjury that I am
familiar with the English and the Spanish languages and am
competent to make translations and that I have made the attached translation into Spanish
document entitled or pertaining to:

and that it is a complete and accurate translation thereof.

Dated 11/17/2010

Signed (b)(6)

(b)(6)

Nashville, TN 37217

DECLARATION OF

(b)(6)

I, (b)(6)

voluntarily make the following Declaration

subject to the laws of perjury in accordance with 28 U.S.C. §1746:

1. My true name is (b)(6) I am an adult, of sound mind and body, and am in all respects qualified to make the statements herein. I cannot read or speak English proficiently. This Declaration has been translated into Spanish for me.
2. I was in my apartment at the Clairmont Apartment complex during the raid Immigration and Customs Enforcement ("ICE") conducted there on October 20, 2010.
3. I was in apartment (b)(6) when ICE agents broke through the door and windows to arrest me and five other men in the apartment at gunpoint.
4. One of the other men in apartment (b)(6) who was in the apartment and who was arrested when ICE agents broke in was (b)(6)
5. Between around 6:00 p.m. and 6:30 p.m. on the night of the raid, I was sitting in my living room with two of my roommates. We had finished dinner and were watching television.
6. Our apartment has two doors where you can enter and exit. One is a glass sliding door that opens onto a patio. Our patio faces the park that sits in the center of several apartment buildings at the Clairmont. The other door is a heavy wooden or fiberglass door that separates our apartment from an interior hallway where interior doors to the other apartments on the first floor of Building F are located.
7. As I looked out our glass door, I saw a young Latino man in the park getting arrested. I think this man is in his early twenties, though I do not know him personally. I had just seen him around the complex.
8. I stepped outside onto the patio for between five and ten minutes to see what was going on. Another of my roommates came to stand outside with me.



Thinking it was just the police coming for a specific person, we went back inside. I closed the glass door behind me. Then my friend and roommate locked the door. The way these doors lock is by putting a U-shaped pin into a hole on the sliding glass door frame. My friend inserted this pin.

9. About five or ten minutes after I came inside, I heard a very loud banging on the door to the interior hallway. A man's voice said, in English, something like, "Open up! Police!" The banging kept going, with more shouting from the same man.

10. I got very scared. I was afraid there might be shooting or violence. So I got down on my stomach on the floor of the living room.

11. At around the same time as the banging on the interior door and shouting began and I had gotten down on the living room floor, I looked out the glass door. There were three ICE Agents – two Caucasian men and an African-American woman – standing on our patio.

12. While the banging on the interior door and shouting continued, I could hear someone slamming up against the door, trying to push it open. I could also hear someone struggling with the door's handle, which was locked.

13. I went into the bedroom with all the other guys in the apartment.

14. After we were all in the bedroom, I saw someone using a baton or similar object to hit the bedroom window from outside. This was a Caucasian male ICE Agent, but not one of the agents on our patio. The person who had the baton hit the window at least twice to break it. It did break, and glass went flying inside the apartment.

15. As that was happening, I heard the ICE agents break through the interior door.

16. There was a lot of yelling, and I was terrified as they opened the door to the bedroom where we were all located. The ICE agents had their guns out and were pointing them at us. I believe these were ICE agents because they were wearing vests that read "POLICE ICE."

17. They were yelling, "Put your hands up!" "Stay still and put your hands up!" "We are ICE!"

18. As they rushed into the bedroom, one of the agents put his pistol against the head of one of my roommates. My roommate had no weapons, or anything else in his hands. He held the gun against my roommate's skin right above his eyes on his forehead. That ICE agent was a tall, white, fat man. He was screaming at all of us when he was doing this.

19. One ICE agent broke the bathroom door in to find one of my roommates. He yelled at my roommate and then put a gun against his head, too. That roommate had nothing in his hands.

20. The ICE agents searched through our whole apartment. They opened cabinets and closet doors. I think they were looking for drugs or guns or something else, but nobody in the apartment ever had anything to do with that stuff.

21. The ICE agents made us all go sit in the living room for a short time.

22. Then they took us out into the interior hallway and handcuffed all of us.

23. Nobody ever asked me my name. Nobody ever asked me for any identification. Nobody ever asked me where I was from. Nobody ever asked me if I had any legal right to be in the United States. From the moment ICE broke into our apartment until I was in the ICE office they took us to after leaving the complex, nobody ever asked me anything.

24. At one point after I was arrested, I asked an ICE agent in English, "What happened? Why are you doing this?" He replied, "When you're in the immigration office, we'll let you know why we're doing this." That ICE agent was a young, thin, blonde, clean-shaven man. He wore a black vest that said "POLICE ICE" and a dark, short-sleeved shirt underneath. He was wearing khaki pants.

25. The ICE agents put me in a brown S.U.V. that looked like a Chevy Suburban. There were two male ICE agents in the front of the S.U.V., and five of us, all men, and all Latino, in the back, handcuffed.

26. When we arrived at the ICE office, they took my fingerprints, my photograph, my I.D., and started asking me questions.

27. At no point after I was
opportunity to contact my Consula

(b)(6)



e

This is to certify that I am proficient in both English and Spanish and that the above document was translated from English to Spanish and from Spanish to English for the above-named Declarant, and the above document represents an accurate and true record of his sworn statement.

(b)(6)



DECLARATION OF

(b)(6)

I, (b)(6) voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 U.S.C. §1746:

1. My true name is (b)(6) I am an adult, of sound mind and body, and am in all respects qualified to make the statements herein.

2. I am a citizen of the United States of America.

3. I was at the Clairmont Apartment complex during the raid Immigration and Customs Enforcement ("ICE") conducted there on October 20, 2010.

4. Around 6:00 p.m. on the night of the raid, some friends and I left the Clairmont by car to run by Wal-Mart and the Thompson Market, which are both located minutes away from the complex.

5. At 6:34 p.m. while I was at the Thompson Market, I called my fiancé, (b)(6) to see if he wanted anything. (b)(6) was at the Clairmont when I left just minutes earlier.

6. (b)(6) and I had lived together for six months in Clairmont Apartment (b)(6) along with our roommate, (b)(6) (b)(6) and I have been in a committed relationship for the past three years. We were planning to get married soon.

7. (b)(6) did not answer his phone when I called. This concerned me because he usually answers right away, or else calls me back immediately.

8. Then I called (b)(6) our roommate, to see if he knew where (b)(6) was. (b)(6) told me I needed to get back to the Clairmont right away. I believe he said, "You need to get here now." Then he told me that ICE had (b)(6)

9. We left the market immediately and returned to the Clairmont complex.



10. As we pulled in, we saw a lot of commotion. We rounded the curve in the parking lot where I usually park, but there were several vehicles in the way, including a blue van.

11. We parked about three spaces down from my normal spot. This was in between Buildings E and F.

12. My friend (b)(6) was driving the car. Our other friend, (b)(6) (b)(6) was riding in the back. The car we were in was a burgundy Mustang. This car is mine.

13. As soon as we got out of the car and started walking to the sidewalk in the direction of Building F, between four and six male law enforcement officers hurried toward us and surrounded us.

14. First they targeted (b)(6) who is Latino. One of the agents took the package he was holding out of his hand, set it on the ground, and put (b)(6) in handcuffs. They asked him what his name was, and if he had any identification. Almost immediately after that, the agents put (b)(6) in a van where I saw several of my other friends from Apartment (b)(6).

15. That is when I saw (b)(6) inside the van. He screamed out my name when he saw me.

16. At the same time (b)(6) was being arrested, at least four agents surrounded me and (b)(6). We were walking toward the sidewalk before they stopped us, trying to go from the car toward Apartment (b)(6). It was very clear to me that I was not free to leave at that point, because they stopped me from going where I was headed, which was (b)(6) surrounded me, and began interrogating me.

17. The agents asked us a series of questions. I don't remember the exact order they asked them. They asked:

- a. "What is your name?"
- b. "What are you doing here?"
- c. "Whose red Mustang is that?"
- d. "Who was driving that car?"
- e. "Which apartment do you live in?"
- f. "Are you on the lease?"

18. (b)(6) was asking one of the agents who was taking (b)(6) why he was being arrested. She told the agent that he has permission to be here, but the agent put him in the van, anyway. (b)(6) was released later that night, but not before being taken away in an ICE van.

19. There are two (b)(6) in our part of the complex's parking lot. (b)(6) After I told them that the (b)(6) is mine, one of the agents said, "Oh, that's not the (b)(6) That's not the (b)(6)" I responded, "Well, what does that matter? What is going on?" But none of the agents would tell me anything.

20. The agents just asked what apartment I lived in. I told them (b)(6) They told me to go there and stay there.

21. Behind the agents, I could see that all the doors and windows at (b)(6) were open, and there were between eight and twelve law enforcement personnel coming in and out of the apartment. One set of blinds that had one shaded a bedroom window was torn apart. These blinds were not like that before.

22. My roommate, (b)(6) was also just behind the agents, by the patio of (b)(6) was asking several of the agents why people were being arrested. I don't remember his exact words, but (b)(6) asked, in English, something like, "Those are my friends! What are you doing! What's going on?"

23. At that point, one of the agents asked (b)(6) "What's your name?" (b)(6) told the agent, "Why? I'm not under arrest." Then they asked (b)(6) if he had a green card. (b)(6) showed them identification. I believe (b)(6) does have legal status to be in the U.S., and that the card he showed them was his green card.

24. Then the agents told (b)(6) "Go back to your apartment!" (b)(6) replied, "Well I'm worried about my friends." The agent said, "Don't worry about your friends! Get back in your apartment or you'll get arrested, too!"

25. At that point, I said, "C'mon, (b)(6) Let's go." I didn't want (b)(6) to be arrested.

26. As (b)(6) and I began walking around the sidewalk to the other side of Building (b)(6) where our apartment is, between four and six ICE agents

followed us. I know they were ICE because I asked them if they were with Metro Police, and they said, "No."

27. Some of the agents had black vests on that said, 'POLICE ICE.'

28. Before we got into our home, one of the ICE agents asked if there was anyone else inside the apartment. I told them the only other person who lived there was someone they already had in custody - (b)(6). Specifically, I said, "You already have the only other guy, and he's in the van."

29. We entered through the glass patio doorway of our home. Before we could close the door, a few of the ICE agents, who were right behind us, forced their way in. A couple more ICE agents stood outside on the patio.

30. They did not ask permission to enter. I did not want them inside, but there was no time to close the glass sliding door behind us.

31. I said, "Do you have a warrant?" A Caucasian male ICE agent who was already inside the home replied, "We're searching for fugitives."

32. I said again, "Do you have a warrant?" He said, "No. We don't need one." Then he said, "We're looking for a fugitive."

33. Then another one of the ICE agents who had entered our home without permission and was standing in the living room said, "You need to just be quiet, Ma'am." "Be quiet and sit down right there."

34. The ICE agents forced all three of us to sit down on the couch in the living room of our home. Two ICE agents were in the kitchen and others searched both of our bedrooms and both bathrooms.

35. We had no choice but to stay on the sofa. They had already threatened to arrest (b)(6) and I felt threatened and humiliated as well by this invasion of our home and our privacy.

36. After the agents finished their search, they left our home without saying anything to us.

37. We were all very shaken by this intrusion into our home, and the forcible way that ICE had done it.

38. Shortly after they left, (b)(6) and I went onto the patio to smoke a cigarette and ask about his friends. Once again, (b)(6) asked an ICE agent what had happened, and why our friends were under arrest.

39. The ICE agents told him, "Don't ask us no questions. Get back in the house, or he's gonna go to jail (nodding toward (b)(6))."

40. Then the ICE agent threatened (b)(6). He said, "You'll go to jail too if you don't get back in that apartment and sit down!"

41. I have spoken with (b)(6) periodically by telephone since his arrest. (b)(6) is fluent in English and Spanish.

42. When I asked him what happened, he told me that he was in a bedroom in Apartment (b)(6) working on the computer when ICE broke inside.

43. He said they broke through the windows and the doors. (b)(6) said one of the ICE agents threw him down on the floor and put a pistol against his head. (b)(6) said the ICE agent was screaming racial slurs, including, "Fucking Mexicans," "Fucking wetback!"

44. (b)(6) said he asked the ICE agent who was on top of him, "Who are you?! What's going on?!" The ICE agent screamed at him, "Shut the fuck up, bitch," and pressed the gun harder against his head.

45. (b)(6) begged the ICE agent to take his finger off the trigger. He was terrified that the agent might accidentally slip and shoot him. But the officer refused to take his finger off the trigger, and kept the gun against his head, and kept insulting (b)(6) with racial epithets.

46. (b)(6) told me the ICE agents who broke into the apartment's windows and doors said, "This is what happens when you don't answer your fucking door!"

47. The ICE agents called some of the other guys in the apartment, "Fucking little bitch!" "Wetback" and "Fucking Mexicans" as well.

48. (b)(6) said that after the agents had put their guns away, he asked them if they had a warrant or an order to enter the home. One of the agents who'd had

his gun out during the initial entry through the window grabbed his genitals and told (b)(6) "I've got your warrant coming out of my balls."

49. Since the violent home intrusion and arrest on October 20, (b)(6) has been having a lot of trouble sleeping. He has had nightmares and persistent, intrusive thoughts of the gun against his head. He has suffered from panic attacks in which his heartbeat races, and he breaks out into a cold sweat. (b)(6) has had thoughts of suicide, but is afraid to share them with prison doctors because he has been told that suicidal inmates are placed in solitary confinement or segregation.

50. (b)(6) is a gentle, loving man. I have heard in his voice how much this experience changed him. But I know he is trying to remain strong for me, and for the other guys who got arrested with him during the raid.

(b)(6)

DECLARATION OF

(b)(6)

I, (b)(6) voluntarily make the following

Declaration subject to the laws of perjury in accordance with 28 U.S.C. §1746:

1. My true name is (b)(6) I am an adult, of sound mind and body, and am in all respects qualified to make the statements herein. I cannot read or speak English proficiently. This Declaration has been translated into Spanish for me.
2. I was at the Clairmont Apartment complex during the final stages of the raid Immigration and Customs Enforcement ("ICE") conducted there on October 20, 2010.
3. Between 7:00 p.m. and 7:30 p.m., I arrived home from work. As I was pulling into the Clairmont apartment complex, I saw men wearing black vests that said, "POLICE ICE" in the parking lot.
4. I also saw several vehicles that were loaded up with my friends, roommates, and neighbors leaving the complex as I was coming in.
5. I saw no Metro Nashville police cars or uniforms. It was only ICE.
6. I went to my apartment, (b)(6) to get a few of my belongings and ask my roommates what happened. One of my roommates was my brother, (b)(6) (b)(6)
7. When I came to my door (b)(6) inside the hallway of the first floor of Building (b)(6) the door was closed.
8. I put my key into the lock to unlock the door, but it was already unlocked. We just have one lock on the outside of our door. That is the lock above the door handle.
9. I knew something was wrong when I discovered the door unlocked because my roommates and I always lock this door.

10. When I went into the apartment, everything was a mess. There were blinds on the floor and clothes and other things everywhere. It looked like someone had taken everything we owned and thrown it all onto the floor.

11. None of my roommates was there.

12. Soon after I got to my apartment, some friends who lived in the Clairmont complex told me ICE had arrested everyone who lived in this apartment

(b)(6)

13. I glanced briefly into the master bedroom, which was dark because there was no light on, and the sun had already set. But I did not go inside that bedroom. I noticed the blinds that had once covered the bedroom window lying on the floor below the window frame.

14. I gathered a few of my things and left shortly after that.

15. To the best of my knowledge, my brother,

(b)(6)

(b)(6)

has no criminal record.

(b)(6)

This is to certify that I am proficient in both English and Spanish and that the above document was translated from English to Spanish and from Spanish to English for the above-named Declarant, and the above document represents an accurate and true record of his sworn statement.

(b)(6)

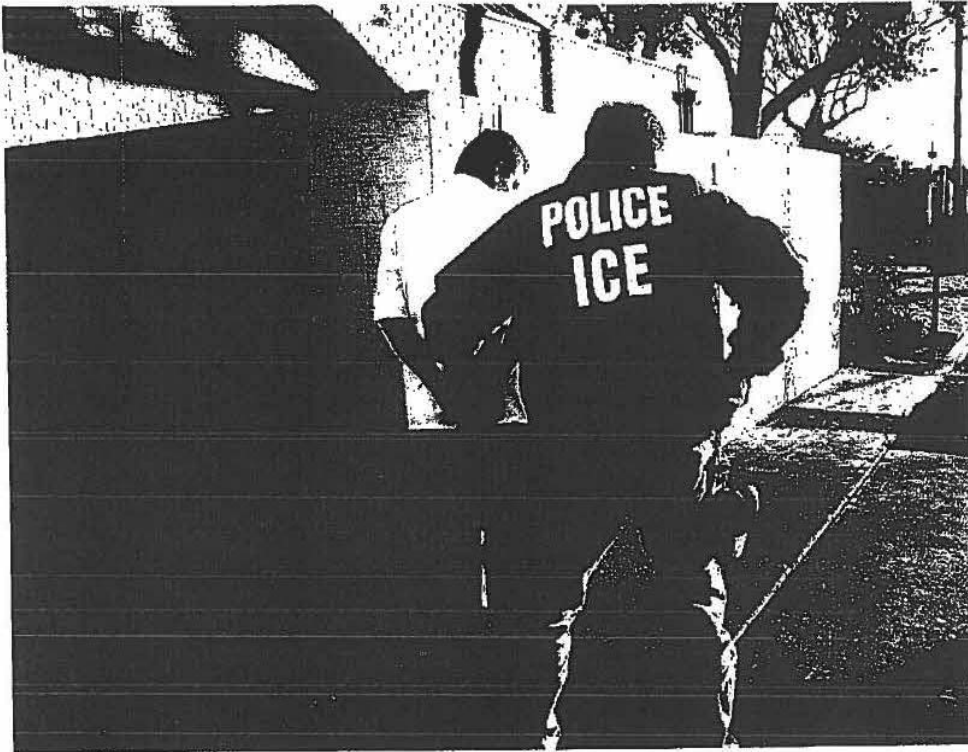


This is to certify that I am proficient in both English and Spanish and that the above document was translated from English to Spanish and from Spanish to English for the above-named Declarant, and the above document represents an accurate and true record of his sworn statement.

(b)(6)



Demonstrative Examples of "POLICE ICE" Clothing

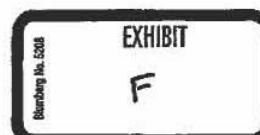


Source: <http://www.thecrimereport.org/wp-content/uploads/2009/10/us-immigration-and-customs-enforcement-arrest1.jpg>

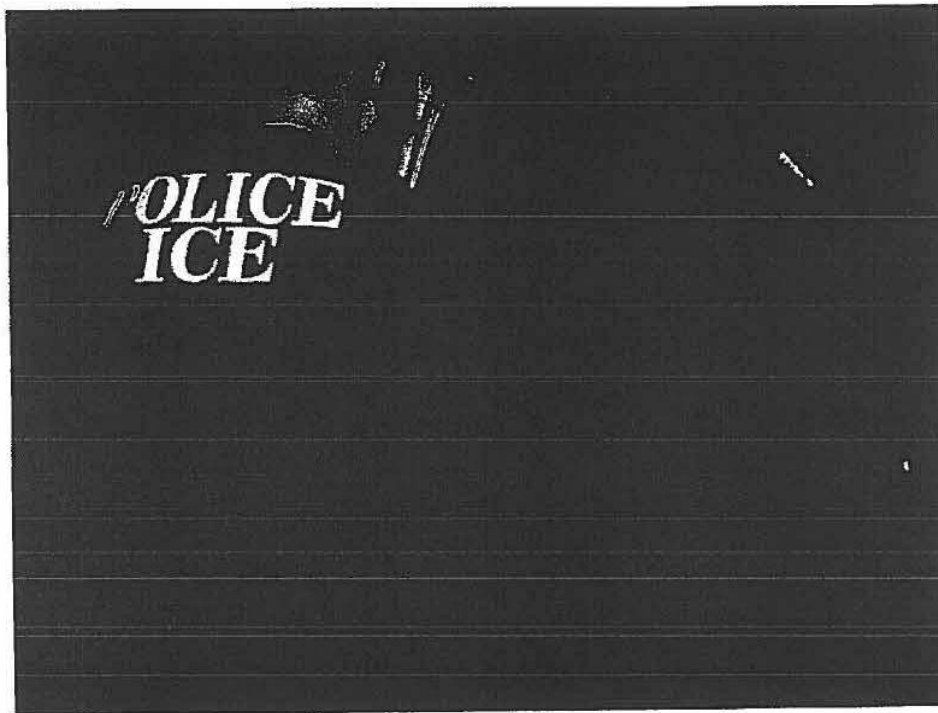


Source: http://1.bp.blogspot.com/_rN-dx9mlxHk/TLNDNPX-wAI/AAAAAAAAAALY/g0ODPab-bCY/s1600/police-ICE-2.jpg

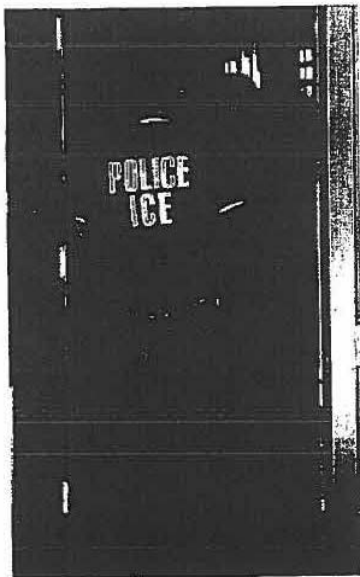
1 42



Demonstrative Examples of "POLICE ICE" Clothing



Source: http://blogs.kansascity.com/photos/uncategorized/georgia_arrest_ice.jpg



Source: <http://www.vosizneias.com/wp-content/uploads/2009/07/ice-police-immigration-raids.jpg>

Demonstrative Examples of "POLICE ICE" Clothing



Source: http://vivirlatino.com/i/2008/01/800px-US_Immigration_and_Customs_Enforcement_SWAT.jpg

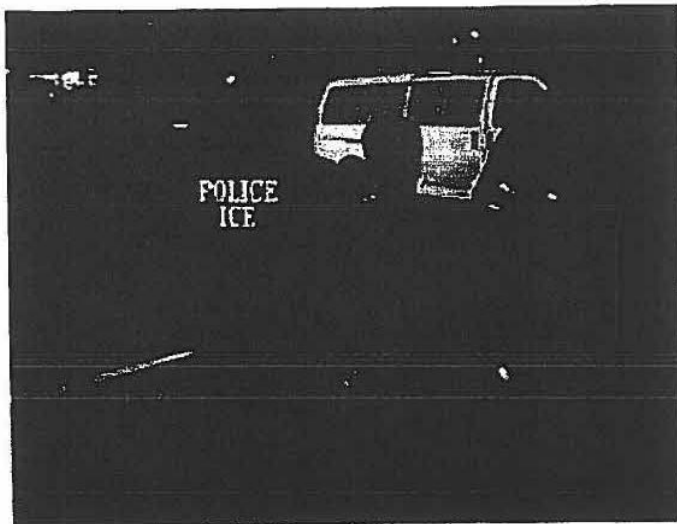


Source: <http://www.piersystem.com/external/content/document/586/25309/1/ICEFTAA2.jpg>

Demonstrative Examples of "POLICE ICE" Clothing



Source: Michelle Waslin, "Ice's Enforcement Priorities and the Factors that Undermine Them."
Immigration Policy Center, November 2010, available at
http://www.immigrationpolicy.org/sites/default/files/docs/ICE_Enforcement_Priorities_110910.pdf

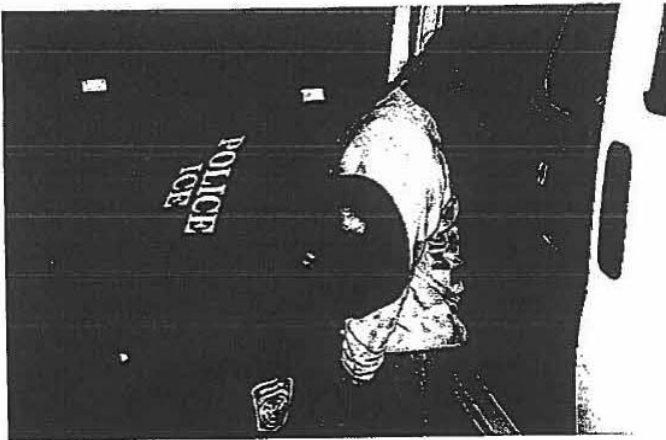


Source: http://images.news14.com/media/2009/2/18/images/police_ice1eb2a711-9b2c-4ca0-a7dd-6b92a9a42df6.jpg

Demonstrative Examples of "POLICE ICE" Clothing

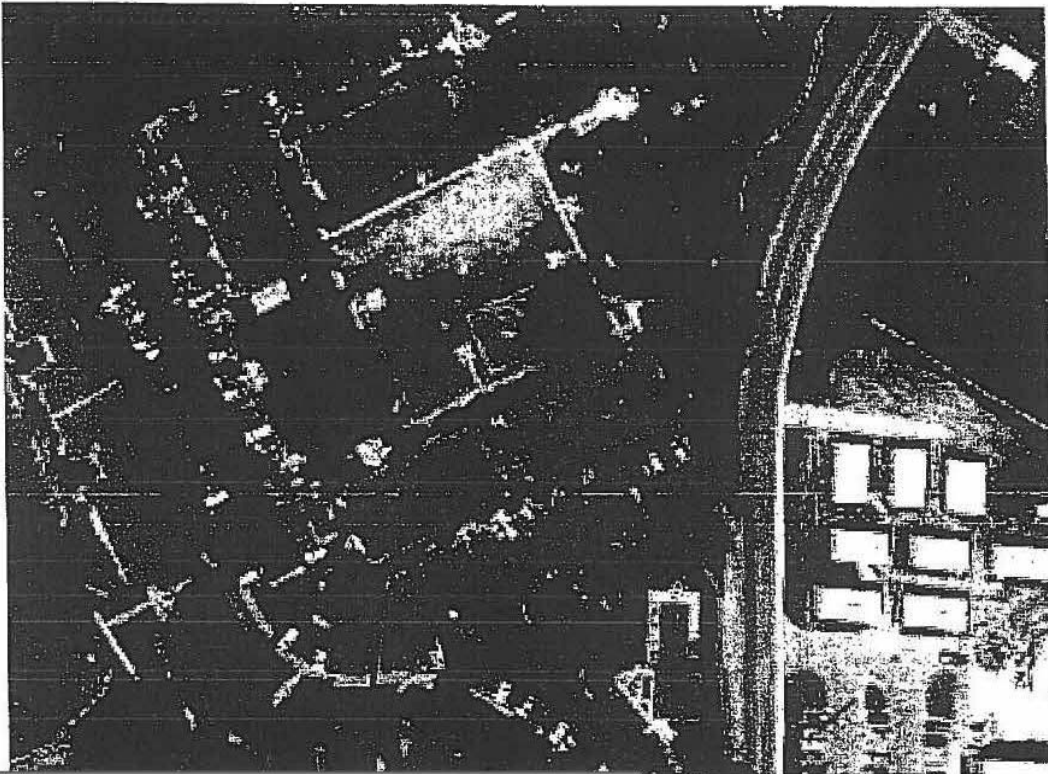


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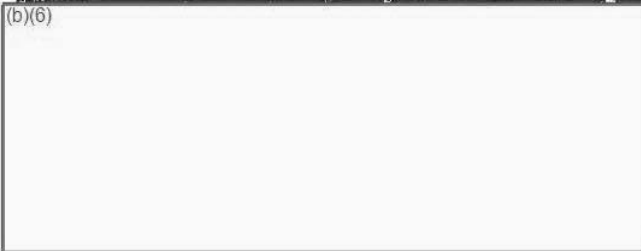


Source: http://2.bp.blogspot.com/_Xn_O-mM2sFk/R8XF4kxcuJI/AAAAAAAAABN8/5qHEKd4acUk/s400/police_ice_550.jpg

37217 Aerial View of Clairmont Apartment Complex – 1019 Patricia Drive, Nashville, TN



(b)(6)



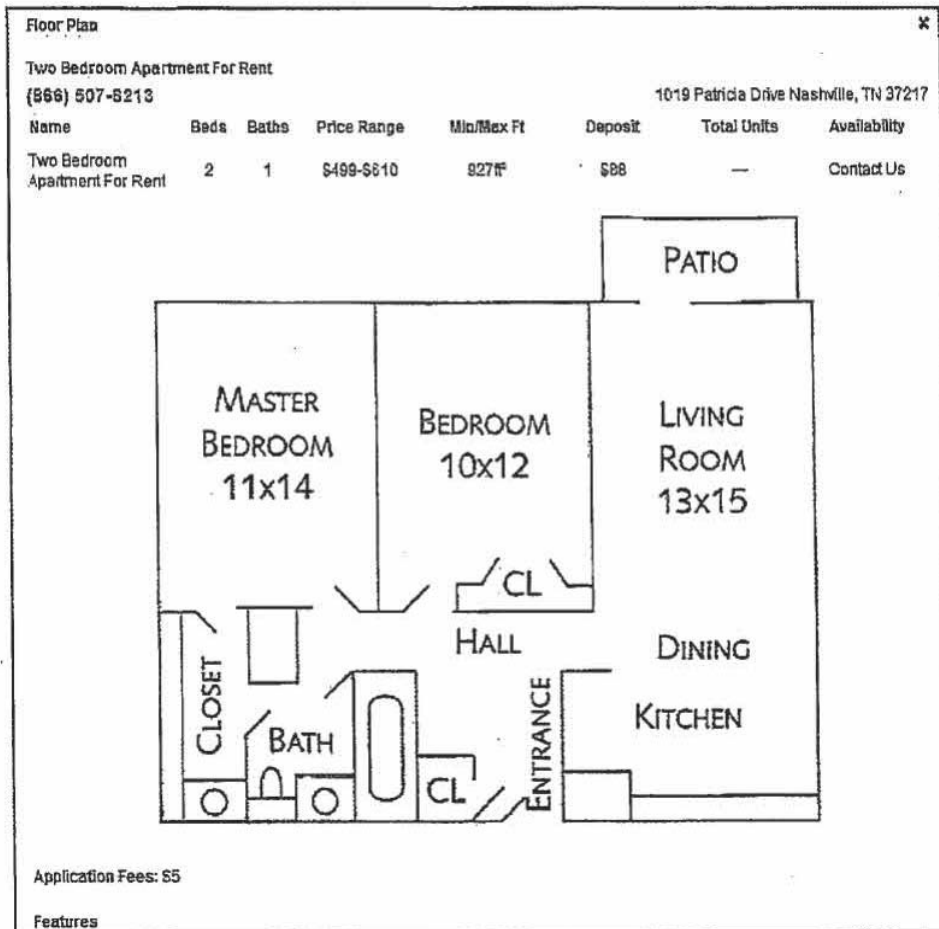
47



Floor Plan of Apartment

(b)(6)

Clairmont Apartments 2br/2ba Floor Plan:



Floor Plan of Apartment

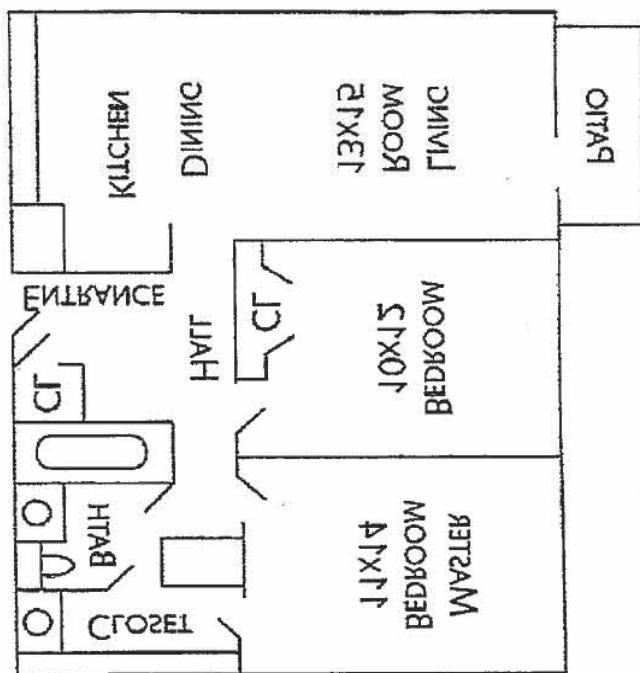
(b)(6)

Floor Plan of this 2br/2ba Apartment, as it is oriented in

(b)(6)

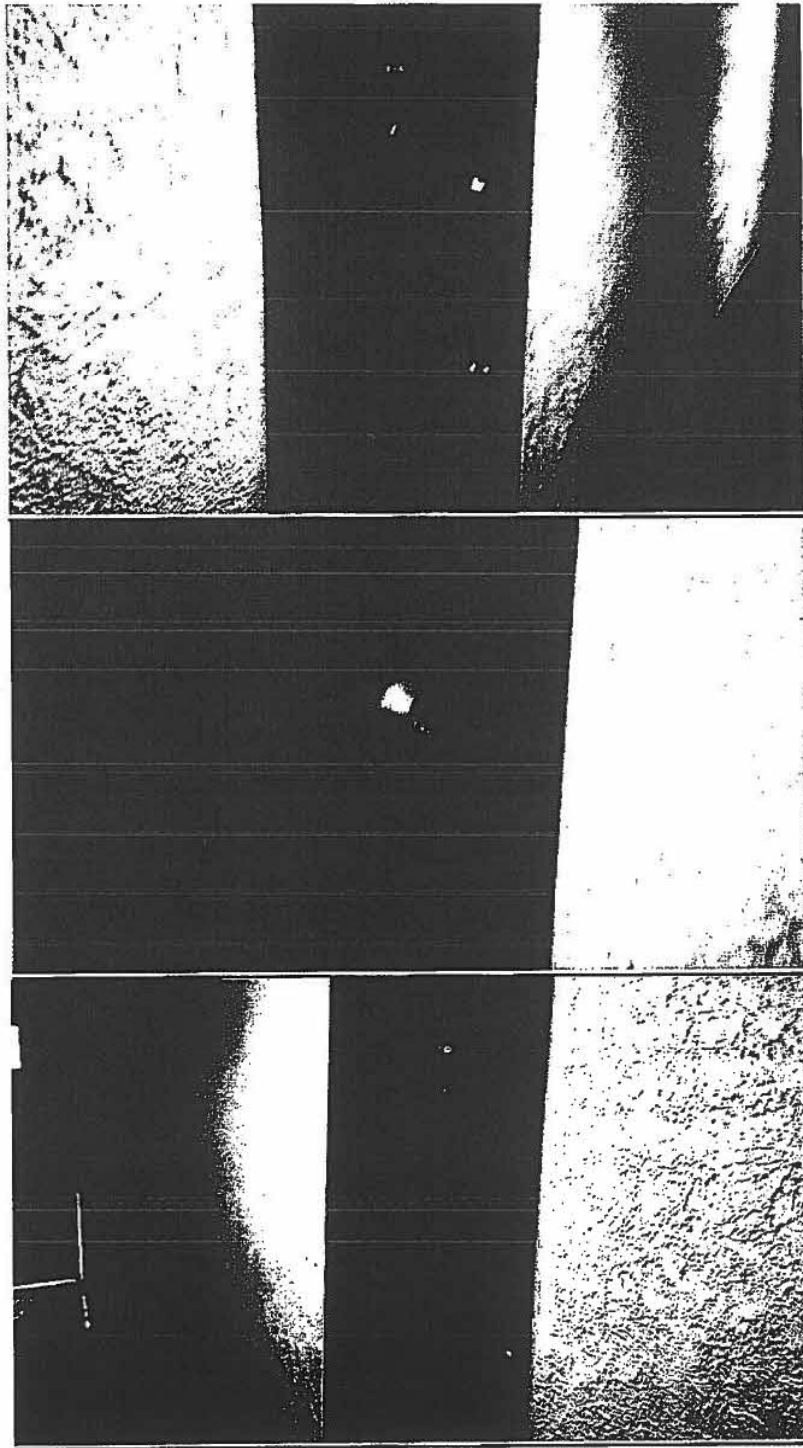
OUTSIDE

INTERIOR WALL

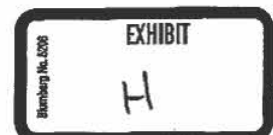


6750-105 (000) 801-0316
 Name
 TWO Bedroom
 Apartment for Rent
 Beds 2
 Baths 2
 Price Range
 2400-2600
 Outside
 882
 6750-105 (000) 801-0316
 Call for more information
 6750-105 (000) 801-0316

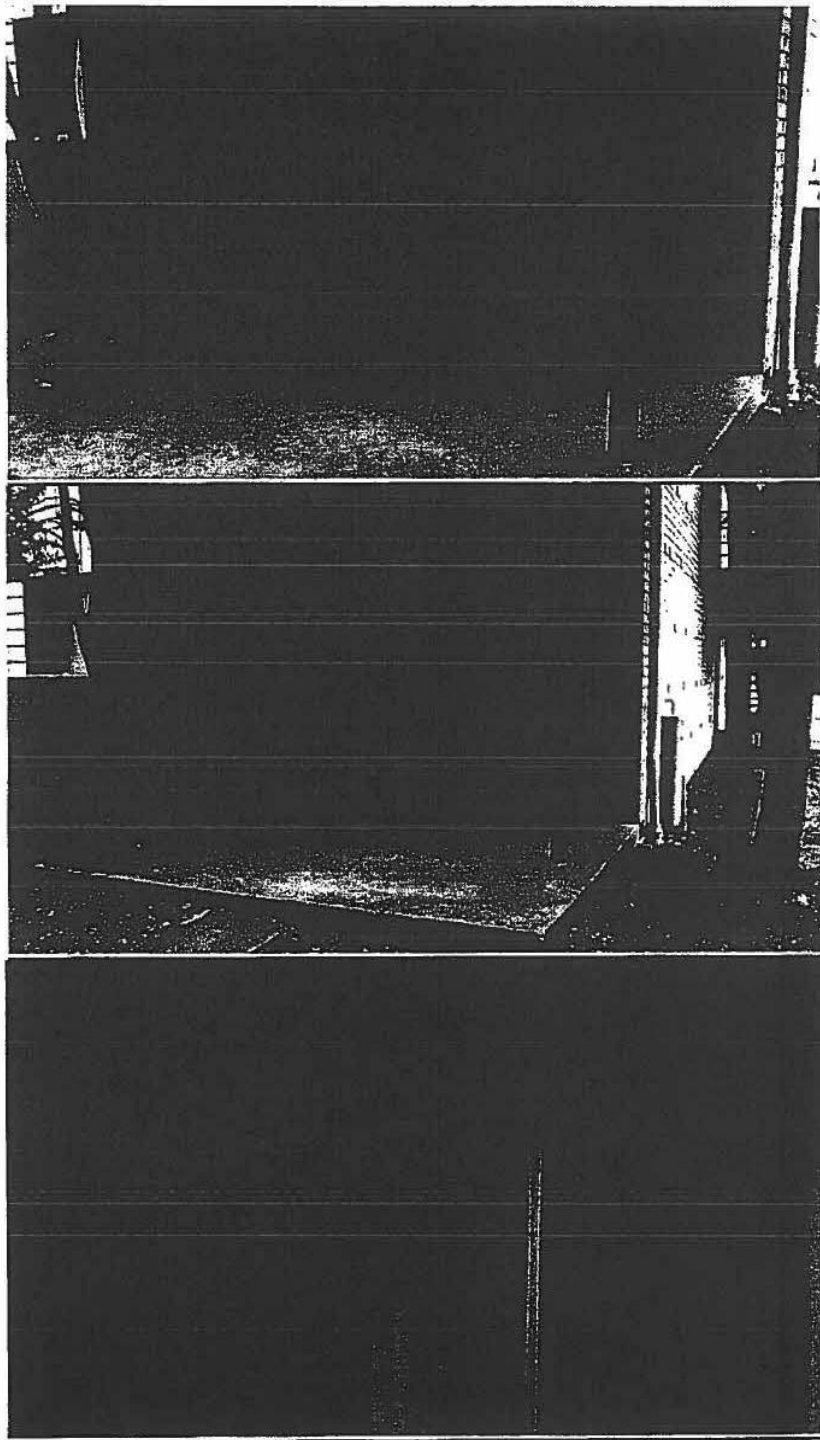
Interior Hallway Door (taken Nov. 17, 2010)



50

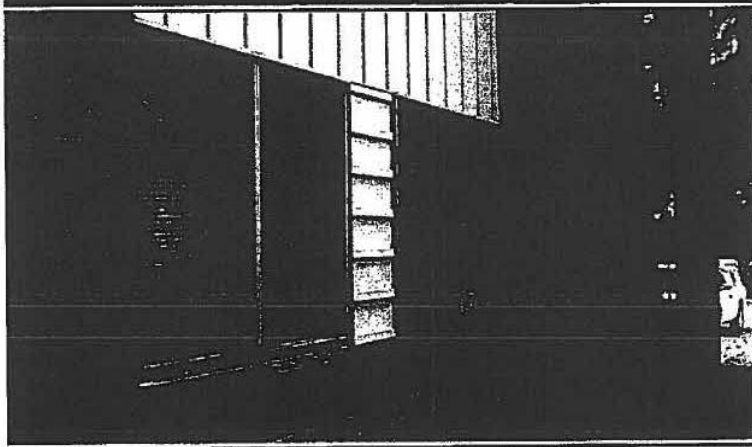
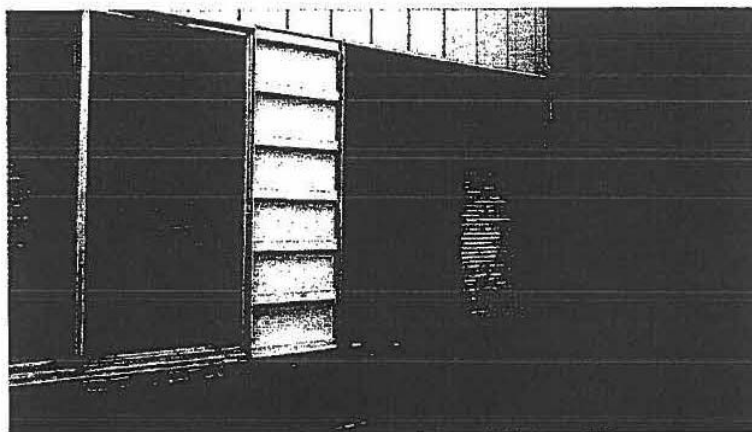
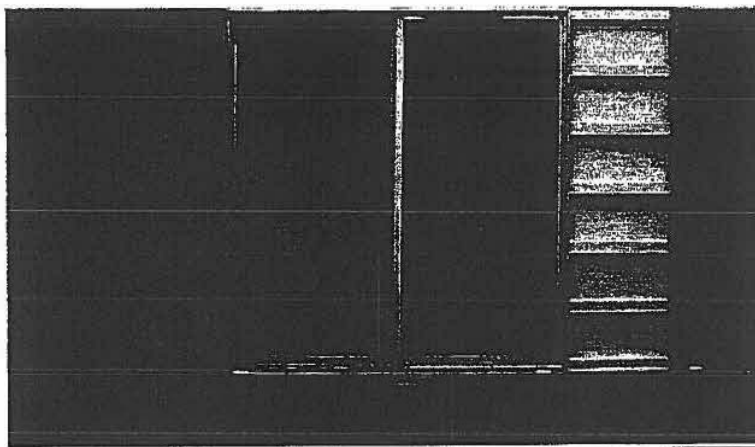


Exterior Patio Doors (taken Nov. 17, 2010)



51

Exterior Windows (taken Nov. 17, 2010)



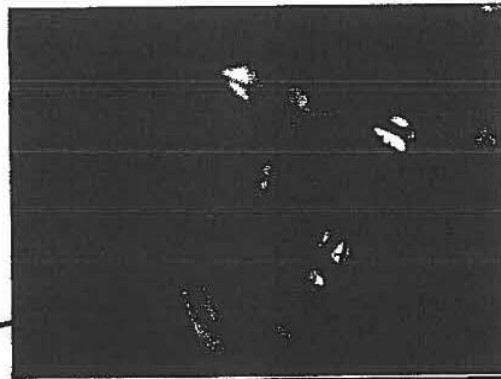
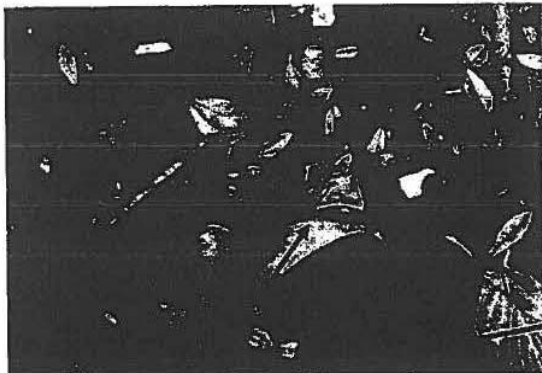
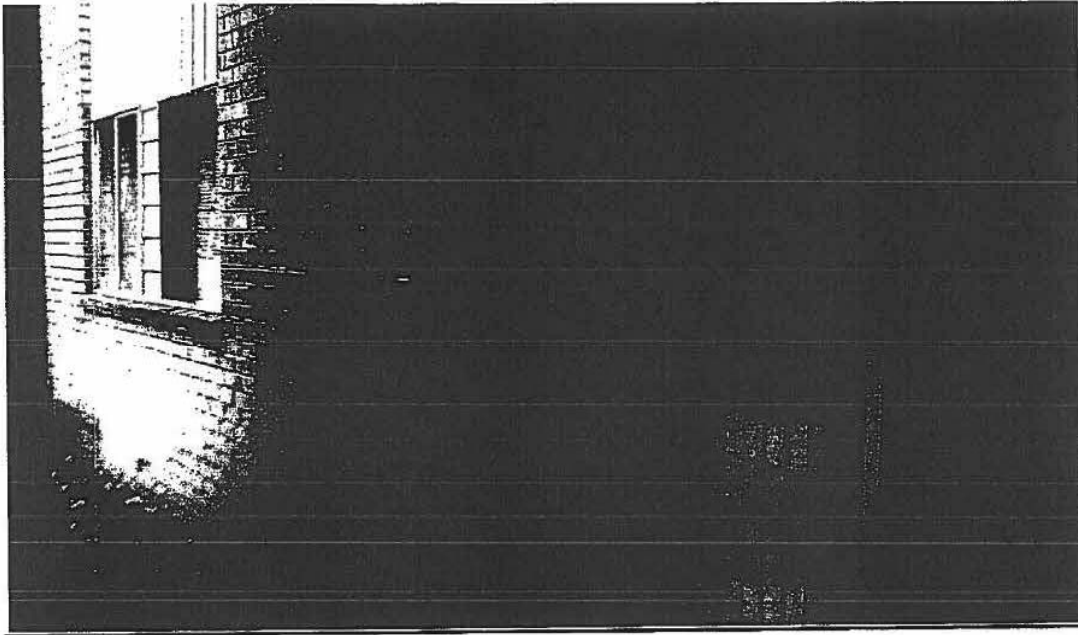
52

Exterior Photographs of Clairmont Apartment

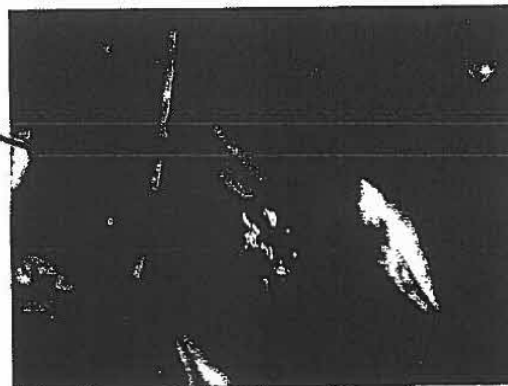
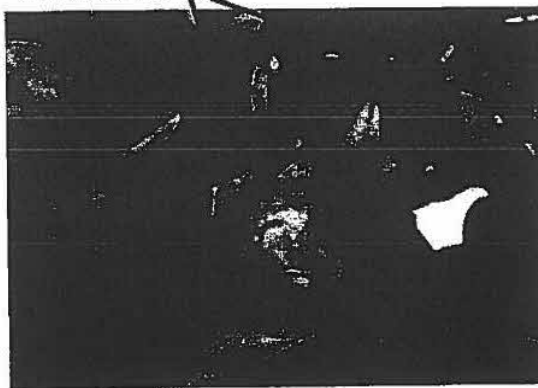
(b)(6)

Broken Glass Below

Exterior Windows



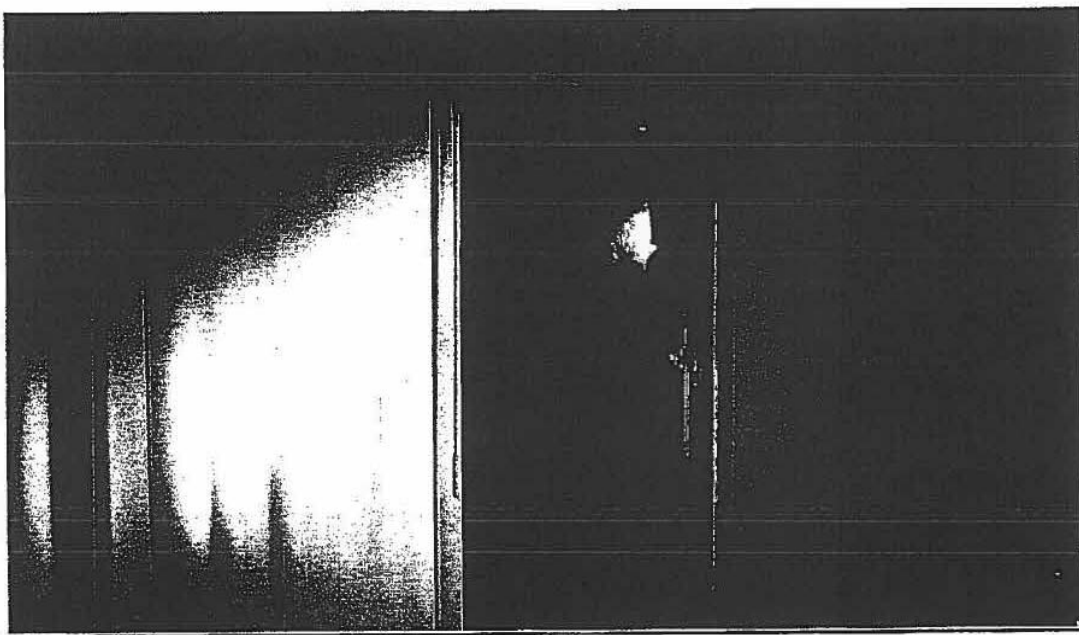
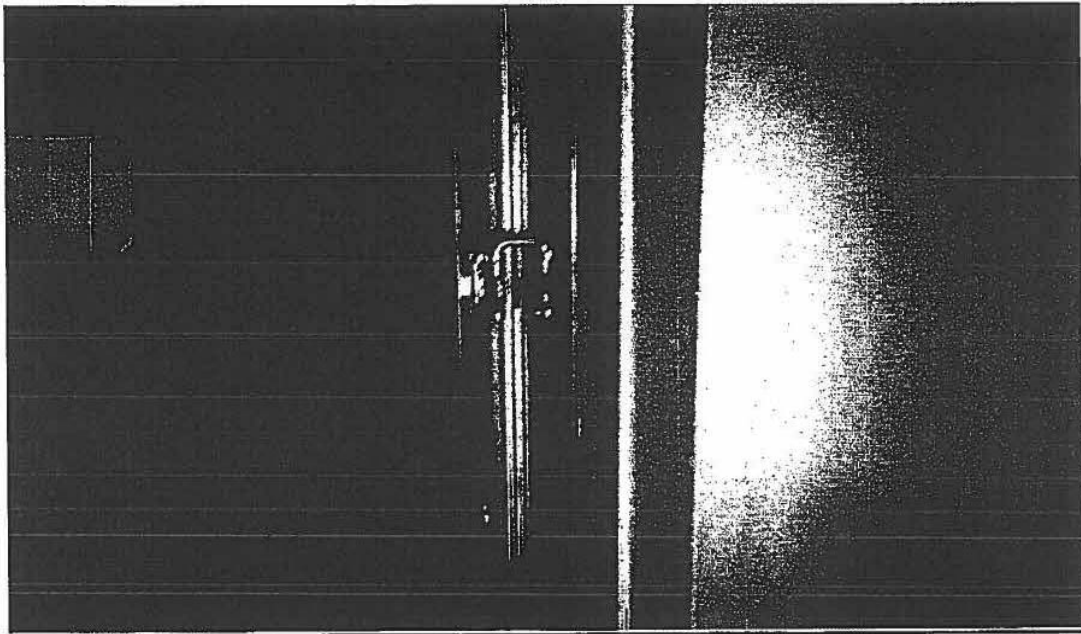
Glass Shards



53

Photos of (b)(6) Interior

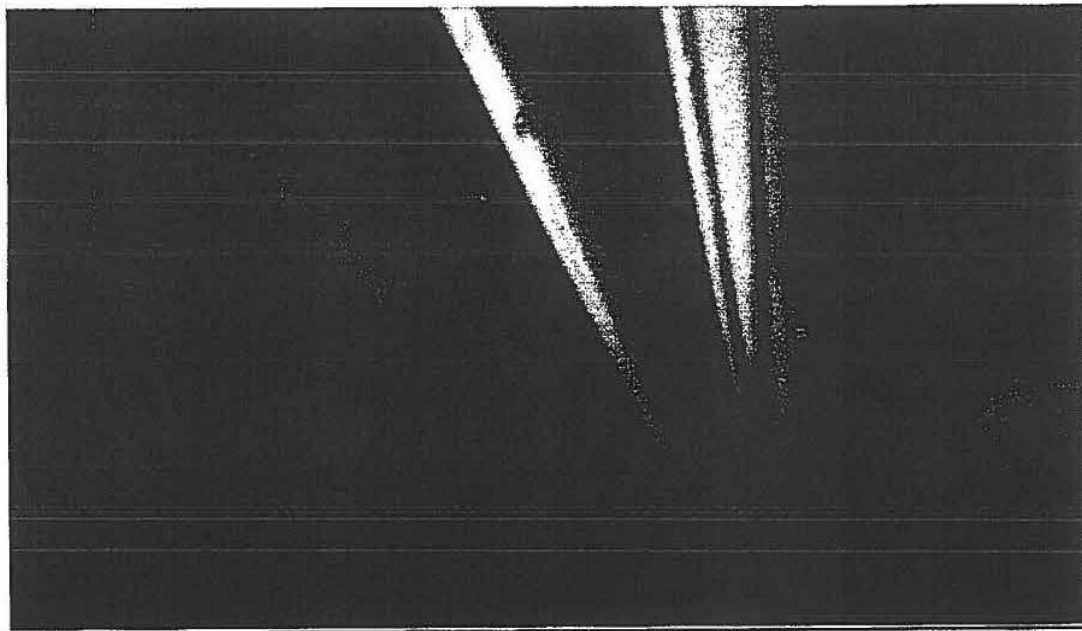
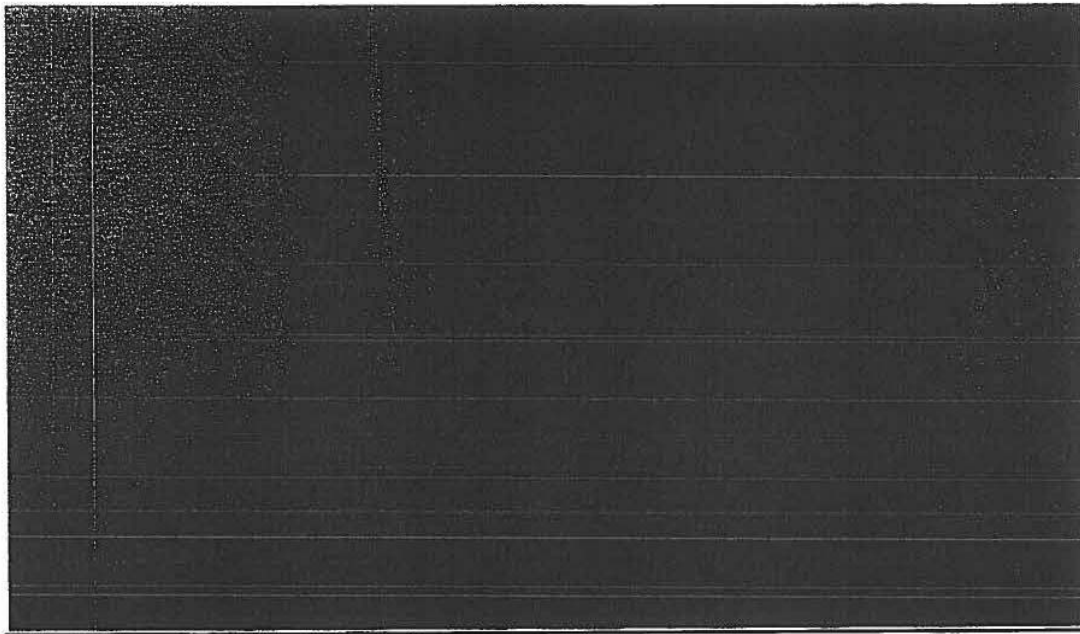
Glass Patio Door Latch Lock



54

Photos of (b)(6) Interior

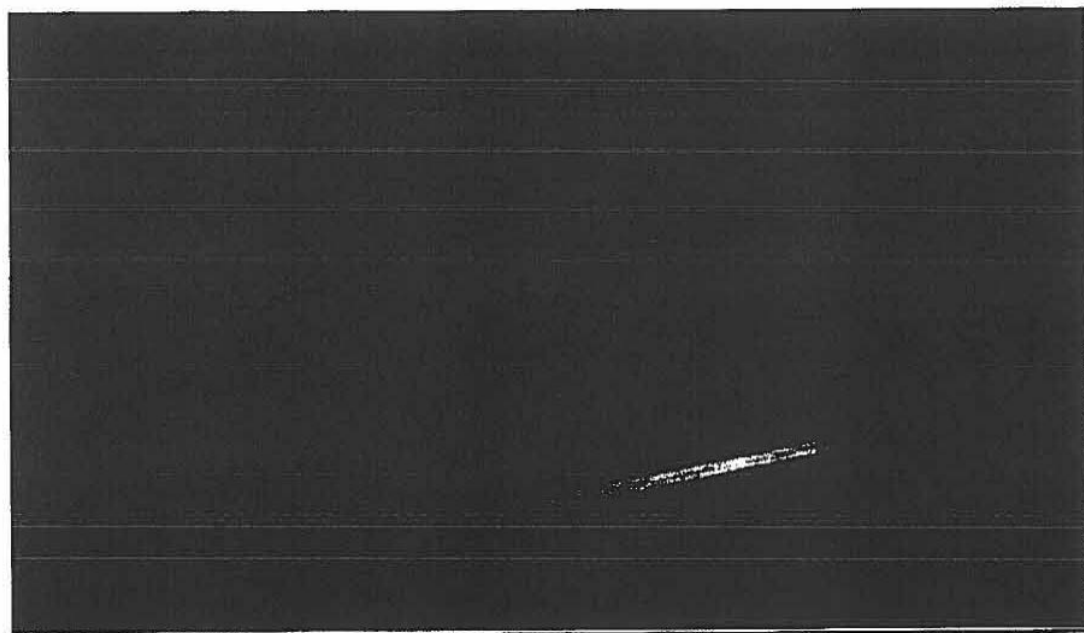
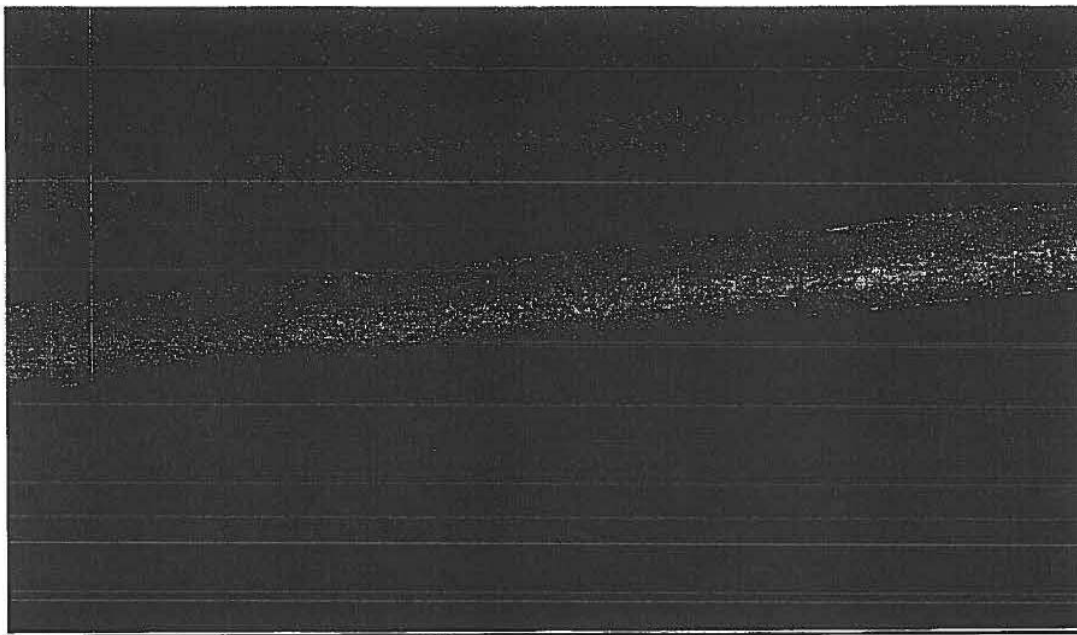
Broken Bathroom Door Frame



55

Photos of (b)(6) Interior

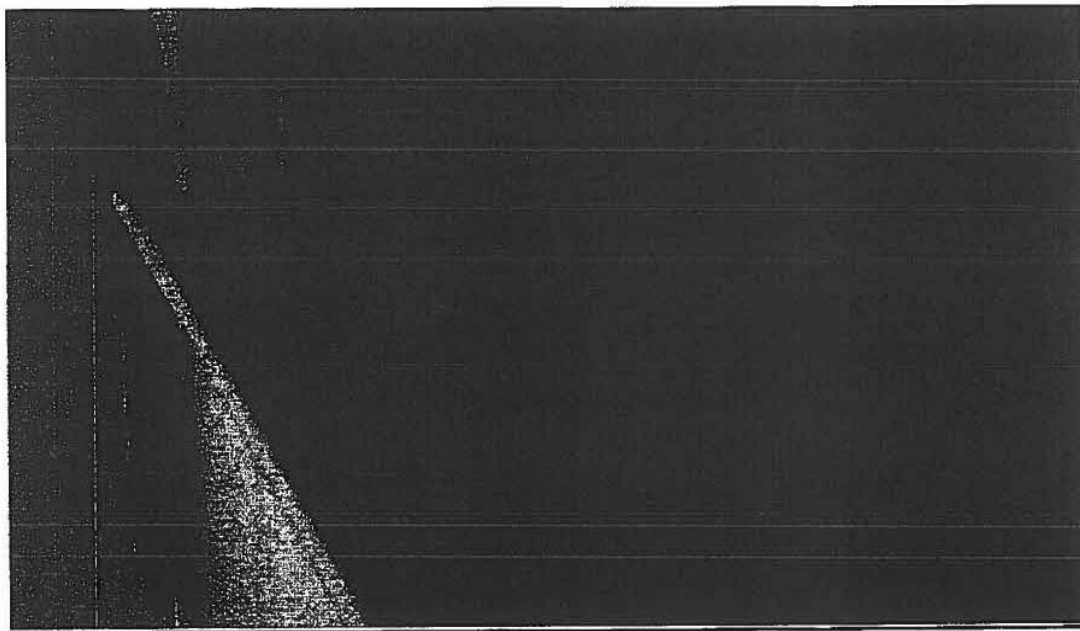
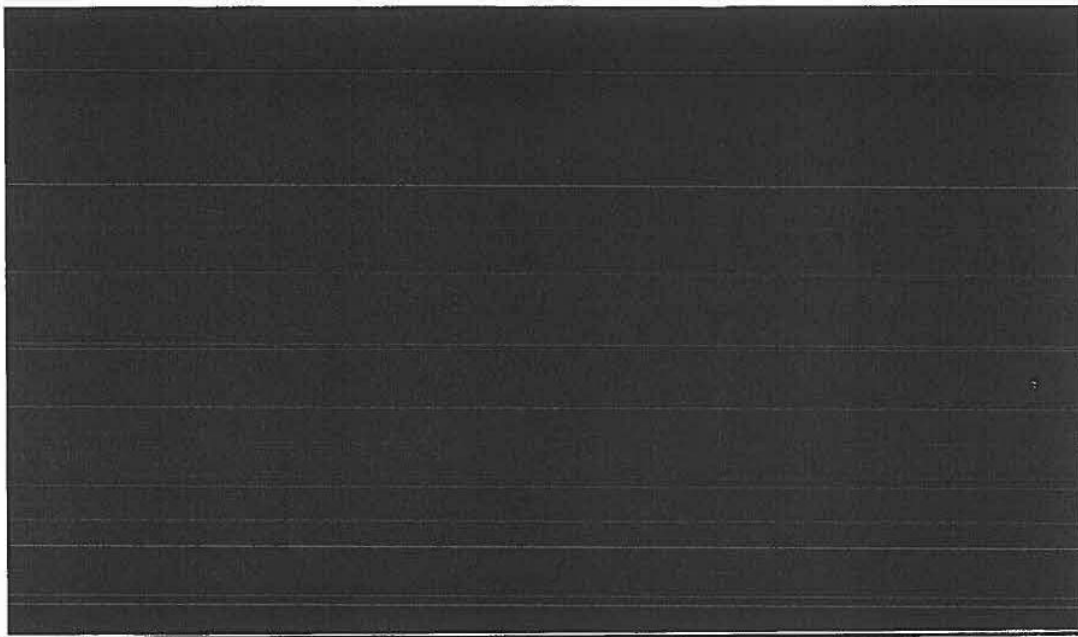
Broken Wooden Dowel Previously Used As Sliding Window Stopper



56

Photos of (b)(6) Interior

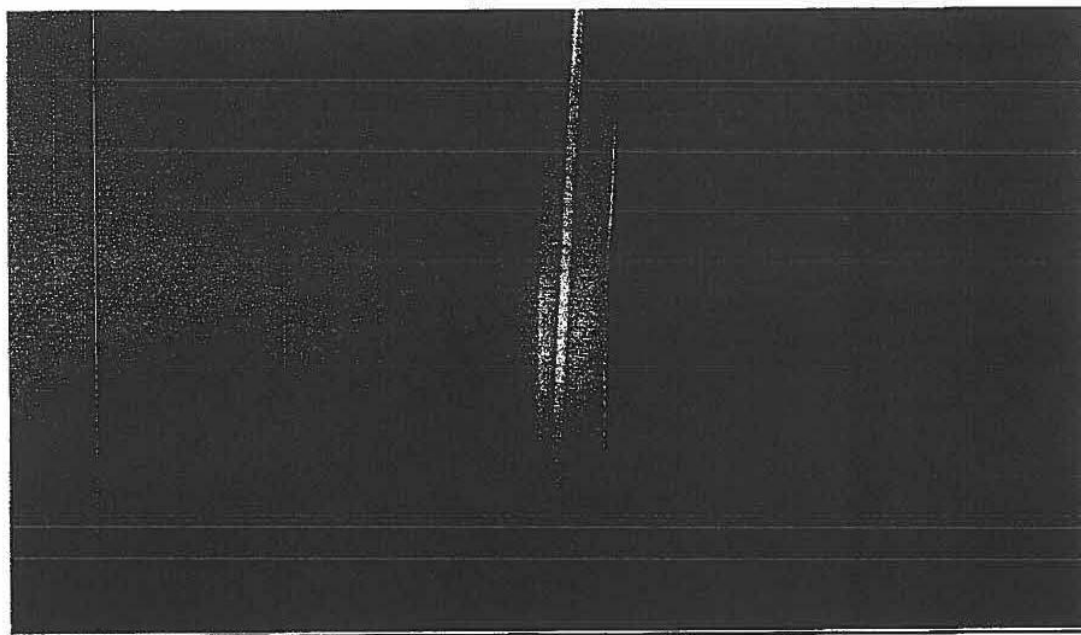
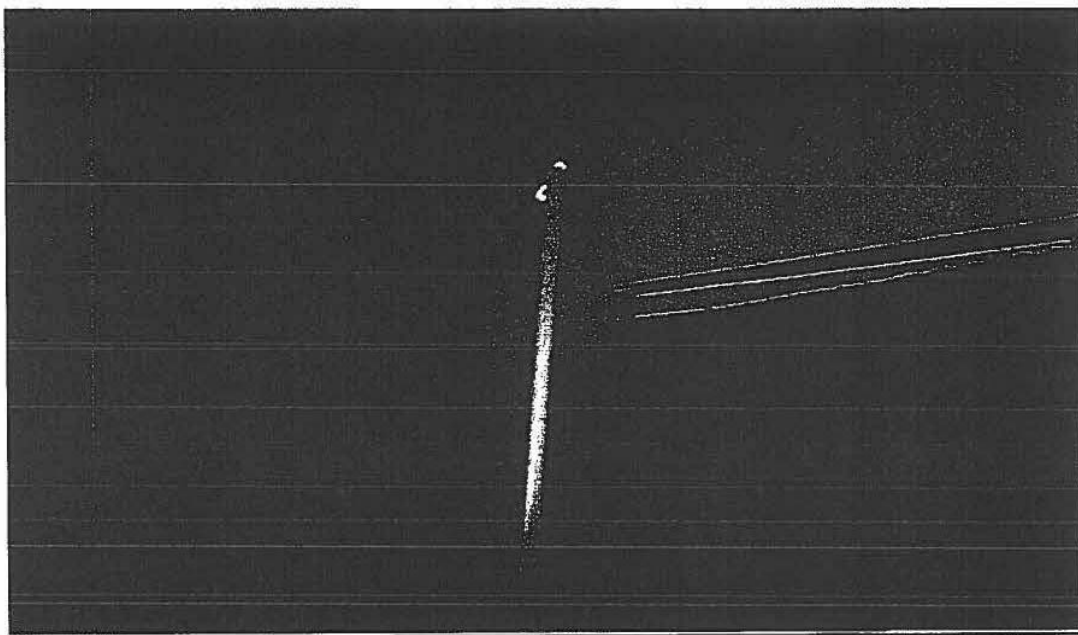
Broken Wooden Dowel Previously Used As Sliding Window Stopper (cont.)



57

Photos of (b)(6) Interior

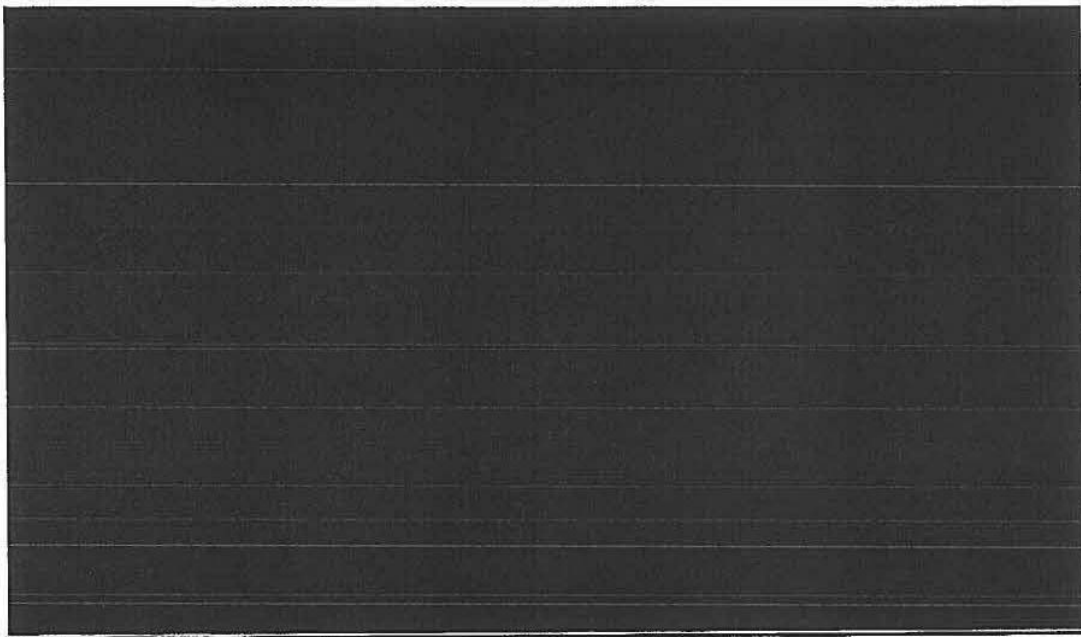
Broken Curtain Hanger Over Bedroom Window



58

Photos of (b)(6) Interior

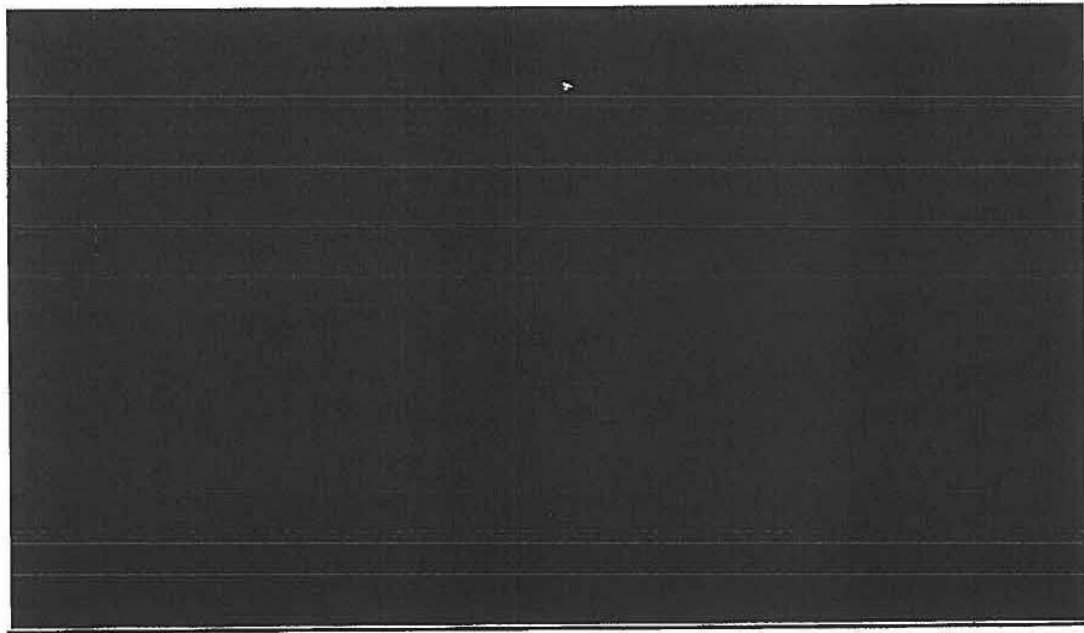
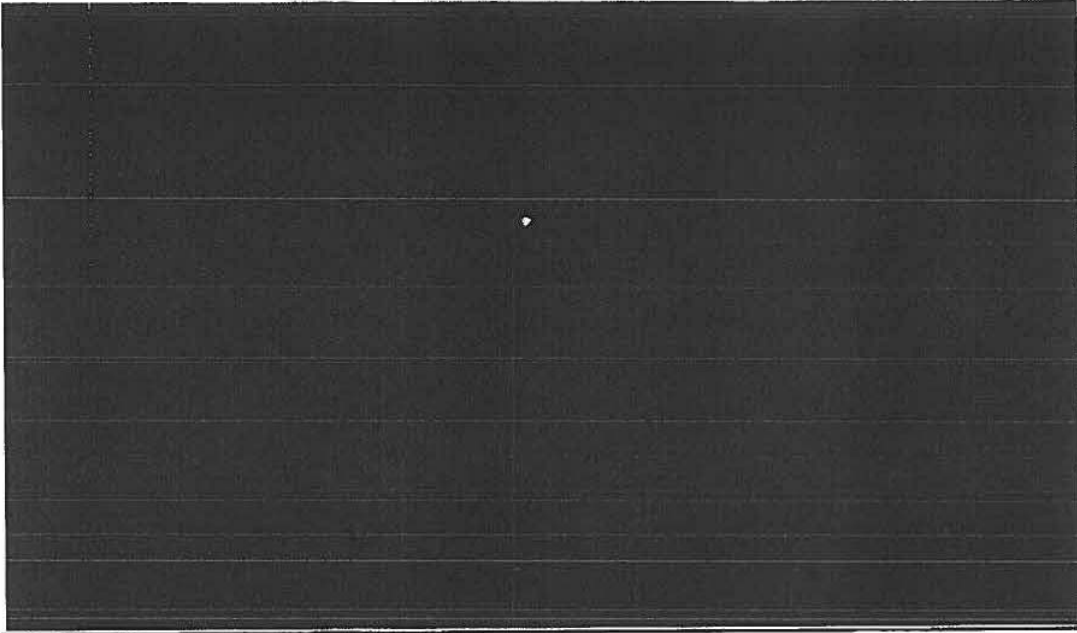
Empty Screw Holes in Wall Where Curtain Hanger Used to be Attached



59

Photos of (b)(6) Interior

Interior Door & Lock



60

U.S. Department of Homeland Security

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: (b)(6)

PIN: 971926262

File No: (b)(6)

Event No: (b)(6)

In the Matter of: (b)(6)

Respondent:

currently residing at:

SOUTHWEST KEY PROGRAM PLEASANT HILL, CA 888 GRAYSON ROAD, PLEASANT HILL, CALIFORNIA 94526

(Number, street, city and ZIP code)

/ 502 (E) (4) 747 (Area code and phone number)

- ☐ 1. You are an arriving alien.
- ☒ 2. You are an alien present in the United States who has not been admitted or paroled.
- ☐ 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of HONDURAS and a citizen of HONDURAS;
3. You entered the United States at or near Laredo, Texas, on or about May 2, 2008;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

RECEIVED
MAY 22 PM 2:41
IMMIGRATION OFFICE
SAN ANTONIO, TEXAS

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30(f)(2) ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
401 West A Street Suite 800 San Diego CALIFORNIA US 92101

(Complete Address of Immigration Court, including Room Number, if any)

on a date to be set at a time to be set to show why you should not be removed from the United States based on the

(Date)

(Time)

(b)(6), (b)(7)(C)

charge(s) set forth above.

OPERATIONS SUPERVISOR

Date: May 4, 2008

San Antonio, Texas

(Signature and Title of Issuing Officer)

(City and State)

See reverse for important information

10/21/2010 6:02:58 AM 6 of 10

ce 1

2015-CRFO-0000200217

Form I-862 (Rev. 02/01/07)



Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Content of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses and locations for surrender can be obtained from your local DHS office or over the internet at <http://www.ice.dhs.gov/guides/dro/consent.htm>. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 30-day period prior to appearing before an immigration judge.

Before:

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6)

BORDER PATROL AGENT
(Signature and Title of Immigration Officer)

Date: 5/5/08

Certificate of Service

This Notice To Appear was served on the respondent by me on May 4, 2008, in the following manner and in compliance with section 239(a)(1)(F) of the Act.

- ☒ in person ☐ by certified mail, return receipt requested ☐ by regular mail
- ☐ Attached is a credible fear worksheet.
- ☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the nature and consequences of failure to appear as provided in section 240(a)(7) of the Act. (b)(6), (b)(7)(C)

(b)(6)

Border Patrol Agent

(Signature and Title of Officer)

IMMIGRATION COURT
630 SANSOME ST
SAN FRANCISCO, CALIFORNIA

(b)(6)

(b)(6)

Case NO.:

Docket: SAN FRANCISCO

RESPONDENT

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

Upon the basis of respondent's admissions, I have determined that the respondent is subject to removal on the charge(s) in the Notice to Appear.

Respondent has made no application for relief from removal.

It is HEREBY ORDERED that the respondent be removed from the United States to HONDURAS on the charge (s) contained in the Notice to Appear.

It is FURTHER ORDERED that if the aforementioned country advises the Attorney General that it is unwilling to accept the respondent into its territory or fails to advise the Attorney General within three months following original inquiry whether it will or will not accept respondent into its territory, respondent shall be removed to HONDURAS.

If you fail to appear for removal at the time and place ordered by the DHS, other than because of exceptional circumstances beyond your control (such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances), you will not be eligible for the following forms of relief for a period of ten (10) years after the date you were required to appear for removal:

- (1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- (2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- (3) Adjustment of status or change of status as provided for in section 245, 248 or 249 of the Immigration and Nationality Act.

Immigration Judge

Date:

Appeal: Waived (A/I/B)

Appeal Due By:

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: ☐ MAIL ☒ PERSONAL SERVICE
TO: ☒ ALLEN ☒ ALLEN c/o Custodial Officer (b)(6) N'S ATTY/REP ☐ DHS
DATE: 6/30/08 BY: COURT STAFF
Attachments: ☐ EOIR-33 ☐ EOIR-38 ☐ Legal Services List ☐ Other

EXHIBIT

J

U.S. Department of Homeland Security

Notice of Intent/Decision to Reinstate Prior Order

File No. (b)(6)

Event N

Date: October 20, 2010

FIN #: (b)(6)

Name: (b)(6)

In accordance with section 241(a)(5) of the Immigration and Nationality Act (Act) and 8 CFR 241.8, you are hereby notified that the Secretary of Homeland Security intends to reinstate the order of Removal entered against you. This intent is based on the following determinations:

(Deportation / exclusion / removal)

1. You are an alien subject to a prior order of deportation / exclusion / removal entered on June 30, 2008 at SAN FRANCISCO, CA

(Date) (Location)

2. You have been identified as an alien who:

- ☒ was removed on August 5, 2008 pursuant to an order of deportation / exclusion / removal.
- (Date)
- ☐ departed voluntarily on _____ pursuant to an order of deportation / exclusion / removal on or after the date on which such order took effect (i.e., who self-deported).
- (Date)

3. You illegally reentered the United States on or about / / at or near Unknown

(Date) (Location)

In accordance with Section 241(a)(5) of the Act, you are removable as an alien who has illegally reentered the United States after having been previously removed or departed voluntarily while under an order of exclusion, deportation or removal and are therefore subject to removal by reinstatement of the prior order. You may contest this determination by making a written or oral statement to an immigration officer. You do not have a right to a hearing before an immigration judge.

The facts that formed the basis of this determination, and the existence of a right to make a written or oral statement contesting this determination, were communicated to the alien in the Spanish language.

(b)(6), (b)(7)(C)

(Printed in typed name of official)

(b)(6), (b)(7)(C)

DEPORTATION OFFICER

(Title of official)

Acknowledgment and Response

I ☐ do ☒ do not wish to make a statement contesting this determination.

10-20-2010

(Date)

(b)(6)

(Signature of Alien)

Decision, Order, and Officer's Certification

Having reviewed all available evidence, the administrative file and any statements made or submitted in rebuttal, I have determined that the above-named alien is subject to removal through reinstatement of the prior order in accordance with section 241(a)(5) of the Act.

October 20, 2010

(Date)

NASHVILLE, TN

(Location)

(b)(6), (b)(7)(C)

(Printed in typed name of official)

(b)(6), (b)(7)(C)

(Title)

EXHIBIT

K

Form I-871 (Rev. 02/01/07)

DECLARATION OF (b)(6)

I, (b)(6) voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 U.S.C. § 1746:

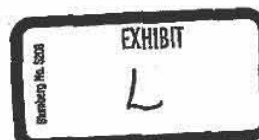
1. My true name is (b)(6) I am an adult, of sound mind and body, and am in all respects qualified to make the statements herein.
2. I am an attorney licensed to practice law in Tennessee (active), Florida (inactive) and West Virginia (inactive).
3. I assembled a group of volunteer lawyers and translators to conduct attorney-client interviews with twenty (20) named individuals who we had reason to believe were detained in an immigration raid that occurred at Clairmont apartments in Nashville, Tennessee on October 20, 2010.
4. On October 23, 2010, we traveled to the DeKalb County Jail in Fort Payne, Alabama to meet with these named individuals.
5. When we arrived, we gave the jail a list of twenty (20) names of individuals who we wanted to conduct attorney-client interviews with, but were only allowed to meet with fourteen (14) of the twenty (20).
6. The staff at the DeKalb County Jail said they were unable to locate six (6) of the twenty (20) prisoners.
7. We were unable to meet with the following people:

- 1) (b)(6)
- 2)
- 3)
- 4)
- 5)
- 6)

8. After being denied access, to the six (6) above named individuals, we left the facility and returned to Nashville, Tennessee.

(b)(6)

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DECLARATION OF (b)(6)

I, (b)(6) voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 U.S.C. §1746:

1. My true name is (b)(6) I am an adult, of sound mind and body, and am in all respects qualified to make the statements herein.

2. I am the Receptionist at the Law Office of (b)(6) I have worked in this capacity for over two years.

3. Mr. (b)(6) is *pro bono* counsel for several of the detainees who were arrested during the October 20, 2010 raid U.S. Immigration and Customs Enforcement (ICE) conducted at the Clairmont Apartments in Nashville, Tennessee.

4. In my capacity as Mr. (b)(6) Receptionist, I regularly communicate with immigration authorities and the detention centers in which immigrants are housed.

5. Since the Clairmont detainees were transferred from Nashville, Tennessee to ICE detention facilities in Louisiana, I have attempted to communicate with several officials both the Jena/LaSalle Detention Facility in Jena, Louisiana and the Federal Detention Center in Oakdale, Louisiana.

6. On November 2, 2010, I called the LaSalle Federal Immigration Detention Facility in Jena, Louisiana at 318-992-7800. I was calling to ascertain the facility's preferred procedures for sending certain forms Mr. (b)(6) wanted to get signed by the Clairmont detainees. These forms include Form G-28, Notice of Entry of Appearance as Attorney or Representative, and Form G-639, Freedom of Information Act/Privacy Act Request.

7. (b)(6) was one of the detainees whose signature Mr. (b)(6) need on these forms.

8. When I called, I explained that Mr. (b)(6) wanted to send an overnight Federal Express package with several forms for the various detainees whose signatures we need.

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9. The gentleman who answered the phone asked me to hold. After about two minutes, the man came back on the line and told me to address our Federal Express to the following address: "Jena/LaSalle Detention Facility, 830 Pine Hill Road, Jena, LA 71342."

10. Then the gentleman told me to address the FedEx package to "Attn: Ms. (b)(6),(b)(7)(C) [redacted]"

11. After we hung up, I prepared all the documents with instructions for each inmate, and gave them to Mr. (b)(6) [redacted] for review.

12. On November 3, 2010, I received a call from someone who identified herself as "Ms. (b)(6),(b)(7)(C) [redacted]". She demanded to know who told me to address the FedEx package that had just arrived at the facility to her. I replied that it was the officer who answered the phone on November 2nd. Ms. (b)(6),(b)(7)(C) [redacted] told me that she would not accept FedEx packages addressed to her.

13. Later on November 3, 2010, I called Ms. (b)(6),(b)(7)(C) [redacted] back to obtain specific instructions regarding how she wanted us to send the package with forms for signature. I left her a voicemail. By 3:30 p.m. CST, she had not responded.

14. I called back, this time speaking with (b)(6) [redacted]. I explained to her what had happened, and asked what the facility's procedure was. Ms. (b)(6) [redacted] instructed me to put each detainee's forms in a separate packet, then to enclose all packets into a single FedEx envelope, along with a letterhead for the attorney's office. She told me to address this FedEx overnight package to the following address: Jena/LaSalle Detention Facility, 830 Pine Hill Road, Jena, Louisiana, 71342, Attn: Mail Clerk."

15. I sent this FedEx package later in the day on November 3, 2010. I also included a package of photographs that one of the detainee's family had taken and given to Mr. (b)(6) [redacted] office to pass along.

16. On November 4, 2010, I got a phone call from Ms. (b)(6),(b)(7)(C) [redacted] refusing the second FedEx package. I explained to her the instructions I had been given, and stressed that I had followed those instructions, to the letter, each time.

17. On November 4, 2010, I also called the Warden of the LaSalle Detention Facility at the request of Mr. (b)(6) [redacted]. I called several times, and left several messages requesting an immediate response.

18. On either Thursday, November 4, or Friday, November 5, Mr. (b)(6) office received both FedEx packages we had sent to Jena. Although these packages contained all of the forms and envelopes we attempted to send to the detainees, neither contained the set of photographs we tried to send.

19. On November 4, 2010, I called and spoke with an ICE employee named Officer (b)(6),(b)(7)(C). I asked him for the Notice to Appear (an immigration charging document) for Mr. (b)(6).

20. Officer (b)(6),(b)(7)(C) sent me a fax later that afternoon with the Notice to Appear for Mr. (b)(6).

21. On November 5, 2010, I called and left a voicemail message with Officer (b)(6),(b)(7)(C) in which I requested that he set up a telephone interview with Mr. (b)(6) and his *pro bono* counsel, Mr. (b)(6). I received no response to this voicemail message.

22. On November 8, 2010, I called and left a second voicemail message with Officer (b)(6),(b)(7)(C) requesting that he contact Mr. (b)(6) office so that we could set up a telephone interview with Mr. (b)(6). Again, I received no response.

23. On November 9, 2010, I faxed a cover sheet with Mr. (b)(6) letterhead to the Oakdale ICE Office, Attn: Warden or Officer in Charge. In this facsimile, I made a third request, this time in writing, for assistance setting up a telephone call between Mr. (b)(6) and Mr. (b)(6). Our office received no response to this facsimile.

24. In addition, on November 9, 2010, I called and left a third voicemail for Officer (b)(6),(b)(7)(C) restating our request. Once again, our office received no response from Officer (b)(6),(b)(7)(C).

25. On November 10, 2010, I called the Jena/LaSalle ICE Detention Facility and requested to speak with the Case Manager for Mr. (b)(6). I was told I should speak with "Ms. (b)(6)" and transferred to her voicemail box. I left Ms. (b)(6) a voicemail message referencing Mr. (b)(6) and asking her to contact Mr. (b)(6) office as soon as possible.

26. In addition, on November 10, 2010, I faxed a Form G-28, Notice of Entry of Appearance as Attorney or Representative, signed by Mr. (b)(6) to the Jena/LaSalle ICE Detention Facility.

27. On November 10, 2010, Ms. (b)(6) returned my call and indicated that she would not be able to assist me. She said I must contact Mr. (b)(6) ICE Case Manager, Officer (b)(6),(b)(7)(C).

28. So I called Officer (b)(6),(b)(7)(C) and left another voicemail. This, too, went unreturned.

29. On November 12, 2010, I left another voicemail for Officer (b)(6),(b)(7)(C). Again, I received no response.

30. On November 15, 2010, I called the ICE Office in Oakdale and asked to speak with Mr. (b)(6),(b)(7)(C) supervisor, (b)(6),(b)(7)(C). I explained to Officer (b)(6),(b)(7)(C) that I had left several messages for Officer (b)(6),(b)(7)(C) over a period of almost two weeks, but had received no response. I also explained that Mr. (b)(6) was formally requesting the Immigration Judge's Order of Removal in Mr. (b)(6) 2008 immigration court proceeding, as well as the Reinstatement Order ICE had executed against Mr. (b)(6). I gave Officer (b)(6),(b)(7)(C) Mr. (b)(6) fax number. Officer (b)(6),(b)(7)(C) said he would go to Officer (b)(6),(b)(7)(C) office, get the requested documents, and fax them to me.

31. Several hours later on November 15, 2010, I called Officer (b)(6),(b)(7)(C) and left him a voicemail message indicating we had not received any fax from ICE.

32. The next day, November 16, 2010, I called again and left another voicemail for Officer (b)(6),(b)(7)(C) requesting that he contact Mr. (b)(6) immediately upon receipt of my message.

33. Later in the morning of November 16, without having received any call back, I called Officer (b)(6),(b)(7)(C) again and again requested that he fax Mr. (b)(6) documents to Mr. (b)(6). Officer (b)(6),(b)(7)(C) apologized, said he had been super-busy, and once again asked me for Mr. (b)(6) fax number, which I gave him.

34. At 12:48 p.m. on November 16, 2010 – twelve (12) days after our initial request – Mr. (b)(6) office received a fax from Officer (b)(6),(b)(7)(C) containing Mr. (b)(6) original removal order and his Order of Reinstatement.

(b)(6)



DECLARATION OF

(b)(6)

I, Robert Andrew Free, voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 U.S.C. §1746:

1. My true name is (b)(6) I am an adult, of sound mind and body, and am in all respects qualified to make the statements herein. Except where otherwise indicated, these statements are based on personal knowledge.

2. I am a Law Clerk in the Immigration Law Office of (b)(6) (b)(6) I am a 2010 graduate of Vanderbilt University Law School, with an application for bar admission pending in the State of California. I am not currently licensed to practice law in any state.

3. Mr. (b)(6) is *pro bono* counsel for several of the detainees seized in the October 20, 2010, raid on the Clairmont Apartments in Nashville, Tennessee.

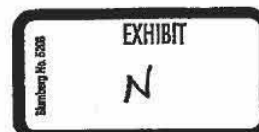
4. In my capacity as Mr. (b)(6) Law Clerk, I have worked extensively to assist with Mr. (b)(6) *pro bono* legal representation of the Clairmont detainees.

5. On November 3, 2010, I answered a call to Mr. (b)(6) office from the Jena/LaSalle Detention Facility, located in Jena, Louisiana.

6. The speaker was a woman who identified herself Officer (b)(6), (b)(7)(C) in the Jena/LaSalle Detention Facility.

7. She indicated that she had received a Federal Express package from Mr. (b)(6) office that was addressed to her.

8. The package she referenced was one sent the previous day by Mr. (b)(6) office. It contained pre-printed forms for several detainees to sign. These signatures were needed in order to allow Mr. (b)(6) to enter an appearance in their immigration case and request their record from the federal government. The specific forms enclosed in the package were multiple copies of Form G-28, Notice of Entry of Appearance Attorney or Representative, and Form G-639, Freedom of Information Act/Privacy Act Request



9. Officer (b)(6),(b)(7)(C) asked me who sent that package, how we got her name, and why it was addressed to her. I believe her exact words were, "Who told Mr. (b)(6) to address this package to me?"

10. Because I had not been involved in the correspondence between Mr. (b)(6) office and the detainees, I asked Officer (b)(6),(b)(7)(C) if she could hold for a moment while I found out the answers to her questions.

11. After putting Officer (b)(6),(b)(7)(C) on hold, I asked (b)(6) about the package Mr. (b)(6) sent to the Jena facility, and about the instructions she received regarding the correct addressee and procedure.

12. Ms. (b)(6) explained that she had called the Jena facility the previous day, November 3, 2010, and requested instructions. She described the instructions she received, which specifically included addressing the FedEx package with forms to "Officer (b)(6),(b)(7)(C)".

13. I then picked up the phone and related what Ms. (b)(6) told me to Officer (b)(6),(b)(7)(C).

14. Before I could finish, and specifically, before I could state that someone who answered the phone at the Jena/LaSalle ICE Detention Facility had instructed Ms. (b)(6) to send the package to Officer (b)(6),(b)(7)(C), Officer (b)(6),(b)(7)(C) interrupted me.

15. She said, in a clearly angry tone, something like, "Well that's not the way we do things around here. I am not in charge of these packages to inmates. They have to go through the normal screening process." Officer (b)(6),(b)(7)(C) also indicated that the facility has procedures it must follow, and that she was not willing to make an exception.

16. I attempted to change her mind. I asked whether she would be willing, just this one time, to make an exception, based on the clearly erroneous information Ms. (b)(6) had been given.

17. She replied that she was not inclined to make an exception in this case. She indicated that she did not know who it was that told Ms. (b)(6) she could send a package this way, but that whoever it was, it was not her. Officer (b)(6),(b)(7)(C) indicated that she was not in her office when Ms.

(b)(6) called, and that only Officer (b)(6),(b)(7)(C) could control how mail gets to inmates.

18. Again, I implored Officer (b)(6),(b)(7)(C) to make an exception, given that Ms. (b)(6) had clearly been misinformed. I stressed that Ms. (b)(6) had not simply pulled Officer (b)(6),(b)(7)(C) name out of a hat. The arrival of a package addressed to Officer (b)(6),(b)(7)(C) was, in and of itself, evidence of our attempt to comply with the facility's procedures, at least as they had been described to us.

19. Around this point, Officer (b)(6),(b)(7)(C) grew very angry with me. I was shocked, and in my shock, I cannot remember what exactly she said. But she once again lectured me about the procedures and the necessity of individualized mail to detainees.

20. Before we hung up, I asked Officer (b)(6),(b)(7)(C) to confirm three facts. First, I asked her to confirm that she was in possession of a package, sent by Mr. (b)(6) office and addressed her, containing forms inside directed to detainees in her facility. She confirmed this fact. Second, I asked her to confirm that I had, during our conversation, requested that she distribute the package's contents to the detainees. She confirmed this fact. Third, I asked her to confirm that she was refusing this request, and, consequently, returning the package to Mr. (b)(6). She confirmed this fact as well.

21. To the best of my recollection, I believe I then indicated that this was going to have the effect of interfering with Mr. (b)(6) ability to communicate with his clients.

22. Shortly thereafter, the call ended.

23. I believe (b)(6) called Officer (b)(6),(b)(7)(C) office later in the day (on November 3, 2010) to ascertain the proper procedures for sending attorney mail to detainees.

23. The next day, November 4, 2010, I fielded another call from Officer (b)(6),(b)(7)(C). This time, she refused to speak with me. She specifically stated that she would not speak with me, and that she would only speak with "Miss (b)(6)". I informed her that I am a Law Clerk for Mr. (b)(6) and that she could and should share any messages for Mr. (b)(6) office with me.

Officer (b)(6),(b)(7)(C) refused. She told me that I was very rude the last time we spoke, and that she would only deal with "Miss (b)(6) Because Ms. (b)(6) was at lunch when this call took place, I informed Officer (b)(6),(b)(7)(C) that I would ask (b)(6) to return the call as soon as possible.

24. A bit later, Ms. (b)(6) returned. I asked her to call Officer (b)(6),(b)(7)(C) back, but to do it using speaker phone. I was very concerned by Officer (b)(6),(b)(7)(C) earlier statements about my rudeness, her refusal to share a message for Mr. (b)(6) with one of his staffers, and her previous obstruction of Mr. (b)(6)'s communication with his clients, despite the manifest failure of the detention facility to give Alba accurate instructions. Further, Officer (b)(6),(b)(7)(C) mischaracterization of our previous conversation made me worry that she might also be mischaracterizing other things Mr. (b)(6) staff said to her. Thus, I wanted more than one person to hear what she was telling Ms. (b)(6)

25. Officer (b)(6),(b)(7)(C) told Ms. (b)(6) that she was going to reject the second FedEx package Mr. (b)(6) office had sent. Officer (b)(6),(b)(7)(C) indicated that Ms. (b)(6) had not followed the facility's procedures, and that she would not forward the individual envelopes with Mr. (b)(6) letterhead on them to each detainee. To the best of my recollection, Ms. (b)(6) attempted to explain that she had, once again, followed the directions she'd been provided by Officer (b)(6),(b)(7)(C) Office the previous day.

26. When Officer (b)(6),(b)(7)(C) told her that those were not her procedures, I interrupted. I do not remember everything I said, but I do remember telling her repeatedly, and over her interruptions, "You are interfering with these detainees' right to counsel." At no point during our brief exchange did I use any profanity, or any other remotely objectionable language.

27. Officer (b)(6),(b)(7)(C) said Ms. (b)(6) had betrayed her trust by having me on speakerphone. She said that she would be reporting Mr. (b)(6) to the Warden.

28. I found out later in the day that Officer (b)(6),(b)(7)(C) told her Warden that I had "cursed her out." This is absolutely false.

29. On November 15, 2010, I contacted the Jena/LaSalle Detention Facility and spoke with a woman named Officer (b)(6),(b)(7)(C). I told Officer (b)(6),(b)(7)(C) Mr. (b)(6) needed to get a very urgent package to Mr. (b)(6) for his signature. I indicated that I was aware of some previous misunderstandings between the detention facility and Mr. (b)(6) office, and in light of the importance of getting this package where it needed to be, I wanted to make certain that we were following all of the right procedures.

30. Officer (b)(6),(b)(7)(C) gave me an address – 308 Pinehill Road, Jena, La 71342 – that is not the facility's address. Thankfully, the FedEx Overnight Package got there anyway. She also confirmed several times that I could address a package to Mr. (b)(6) and then alert "the Major" or "the Warden" the following day that the package would be arriving.

31. We followed Officer (b)(6),(b)(7)(C) instructions precisely.

32. On November 16, 2010, I was informed by an attorney Mr. (b)(6) hired to visit Mr. (b)(6) in the Jena/LaSalle Detention Facility that our FedEx package was being rejected. The attorney, Ms. (b)(6) of Alexandria, Louisiana, said that she was told by someone at the facility something to the effect of, "I've been over this with Mr. (b)(6) several times and he knows better than to do this." In fact, I had been assured repeatedly by Jena/LaSalle's Officer (b)(6) that actions I was taken were permitted and in compliance with the facility's rules. Ms. (b)(6) also indicated that the same person who made these statements told someone else at the facility—either the Warden or a supervisor—that Ms. (b)(6) had been "extremely rude."

33. After Ms. (b)(6) was initially refused access to Mr. (b)(6) I consulted with Mr. (b)(6). Mr. (b)(6) instructed me to call the Warden and let him know what was going on.

34. I immediately called the detention facility and asked to speak with the Warden. He answered, and I identified myself. I said that an attorney Mr. (b)(6) had associated to visit his client was just rejected access to that client. The Warden asked for the attorney's telephone number, and I gave it to him.

35. After this call, Ms. (b)(6) spoke to the Warden, and returned to the detention facility. When we spoke later that evening by phone, Ms. (b)(6) told me that the same woman who had made the statements about Mr. (b)(6) failure to file the mail procedures came out of a rear area of the detention facility's reception area and asked her, in an extraordinarily rude and unwelcoming tone of voice, "Is there anything else I can help you with?" Then a co-worker indicated to this staffer that the Warden had allowed Ms. (b)(6) to reenter the facility, and this time, to obtain the required documents from Mr. (b)(6). Ms. (b)(6) told me that this employee grew visibly angry when she was informed of this reversal.

(b)(6)

Date: 11/17/2010

DECLARATION OF

(b)(6)

I, (b)(6) voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 U.S.C. §1746:

1. My true name is (b)(6) I am an adult, of sound mind and body, and am in all respects qualified to make the statements herein.
2. I am an attorney with the American Civil Liberties Union Immigrants' Rights Project. Except where otherwise indicated, I make this Declaration based on my personal knowledge.
3. I have been working with (b)(6) counsel for (b)(6) (b)(6) in his immigration proceedings. Mr. (b)(6) and I have been working together to respond to the Immigration and Customs Enforcement action that occurred on October 20, 2010 in Nashville, TN. Mr. (b)(6) was arrested during that action.
4. Mr. (b)(6) was transferred to and is currently being held at the LaSalle detention facility in Jena, LA. Mr. (b)(6) is indigent and cannot afford credit to make telephone calls from the facility.
5. On Friday, November 12, 2010, I attempted to contact Mr. (b)(6) by phone. Instead of allowing me to set up a call with Mr. (b)(6) at a designated time, the receptionist at the facility informed me that I would have to leave my number and a message and that Mr. (b)(6) would have to call me back.
6. More than two hours after my call, I received a phone call from Mr. (b)(6) (b)(6). He informed that he had been unable to call my office phone line collect. My office phone line is enabled to receive collect calls. In order to contact me, he had to borrow credit from another detainee at the facility. I gave Mr. (b)(6) my personal cell phone number. A few minutes later, Mr. (b)(6) (b)(6) called me back (again using his friend's credit) and told me that he could not reach that number as well.
7. In the time between the above two calls, I purchased a prepaid toll-free calling card for Mr. (b)(6) to call me with. While I was providing Mr. (b)(6) with the access pin number, his minutes ran out and the call ended.
8. I then called the facility receptionist and gave her the calling card information and my phone number again, so that Mr. (b)(6) could call me. I received no other calls from Mr. (b)(6) that day.



9. On Saturday, November 13, 2010, at approximately 10:30 a.m. EST, I again phoned the LaSalle facility. I gave the receptionist my calling card number and phone number.
10. Not having received a call, I again contacted the facility at approximately 1:00 p.m. EST on November 13. I asked for a phone conference to be scheduled at a specific time so that I may speak to Mr. (b)(6) since I have been unable to do so otherwise. I was informed by the receptionist that the person who coordinates attorney phone calls was not in that day. I again gave the receptionist my calling card number and phone number to pass on to Mr. (b)(6). I did not receive any phone calls from Mr. (b)(6) on Saturday or Sunday.
11. On Monday, November 15, 2010, I again attempted to reach Mr. (b)(6). (b)(6) spoke to the receptionist and informed her that I needed to speak with Mr. (b)(6) today because we had an urgent filing in the Court of Appeals. She transferred me to another person who informed me that they could not do it today and that the earliest would be the following day. She gave me no reason why this was the case. I informed her that I had to speak with him today, and that as one of his attorneys, I had the right to communicate with him. Instead of scheduling a time for a phone call, she instructed me to again leave my information with the receptionist and that Mr. (b)(6) would receive three free minutes to call me. She told me that I could not call Mr. (b)(6) directly and he would have to call me with credit.
12. Several hours later, I received a phone call from a collect calling company informing me of Mr. (b)(6) call. I was informed that in order to get three free minutes, I had to purchase a \$55 prepaid calling card. As I was explaining that I was informed that the first three minutes were free and I should not have to pay in order to receive these minutes, the line cut out. A few minutes later, I received another call from the same company. I purchased the prepaid card for \$55 and was finally connected to Mr. (b)(6).
13. Each phone call from Mr. (b)(6) would suddenly be cut short after only approximately five minutes. He had to call me three times in order for me to complete my interview of him.
14. By the time I was able to speak at length with Mr. (b)(6) it had been more than 72 hours since I first attempted to contact him.

Dated: November 17, 2010
New York, NY

(b)(6)

DECLARATION OF (b)(6)

I, (b)(6) voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 U.S.C. §1746:

1. My true name is (b)(6) I am an adult, of sound mind and body, and am in all respects qualified to make the statements herein.
2. I am an attorney licensed to practice law in the State of Louisiana and I was contacted today via cellular telephone at about 12:58 p.m. by (b)(6) from the Law Offices of (b)(6)
3. Mr. (b)(6) explained that he had telephoned (b)(6) Chief Public Defender for Rapides Parish, Louisiana, to get the name of a local attorney who could go to Jena, Louisiana to obtain the signature of a non-English speaking client in detention.
4. Mr. (b)(6) further explained that the signature needed to be obtained today and federal expressed back to his office.
5. I told Mr. (b)(6) that I had a client scheduled for 2:30 p.m. who only needed to sign some documents and that I could leave at 2:45 for the forty-five (45) minute to Jena, Louisiana.
6. I asked Mr. (b)(6) to fax and email the necessary documents. After receiving same, I telephoned Mr. (b)(6) to confirm receipt and to verbally review where his client needed to sign each.
7. I left Alexandria, Louisiana at 2:45 and arrived at the GEO Detention Facility at approximately 4:10 p.m. The trip took longer than expected because I had to locate the facility.
8. Upon my arrival at GEO, I identified myself to the guard at the front desk as attorney (b)(6) from Alexandria. I explained that I had documents for (b)(6) that needed to be signed and returned to his attorney in Tennessee. The front desk guard asked if I represented Mr. (b)(6) and I told her that I did not.
9. The front desk guard called a white female guard who came to sneak with me about the documents. I told the female guard that I was attorney (b)(6) from Alexandria and that Mr. (b)(6) office had emailed me the documents that Mr. (b)(6) needed to sign. The female guard asked me I was the attorney of record and I stated that I was not.



10. I asked the white female guard if Mr. (b)(6) had received a Federal Express package today from Mr. (b)(6). The white female and a black female guard both answered that the package had arrived and that it was rejected and returned to Mr. (b)(6).
11. I was told by the white female guard that the Mr. (b)(6) had been informed on numerous occasions about the policies and procedures and that once again he did not do what he was told to do. The white female stated that Mr. (b)(6) knew what to do and because he had not done it correctly, the package was returned to him.
12. The female guard then asked me for my Bar Card. I explained that I did not have it with me. The guard then asked if someone from my office could fax it to the detention center. I explained that I did not know the location of my Bar Card because I have not had a need to use it in a number of years.
13. After this exchange between the two of us, the guard explained in a harsh tone of voice that she would not allow me to visit with Mr. (b)(6) because the detention center's policies and procedures precluded the entry of an attorney who did not possess a Bar Card.
14. At that point, I exited the facility and went back to my vehicle. I immediately telephoned the Alexandria Public Defender Board to ask if they have a copy of my Bar Card. I was told that they did not. I asked for the telephone number to the Louisiana State Bar Association (LSBA).
15. I telephoned the LSBA at 4:25 p.m. (five minutes before the office closed) and explained that I needed by Bar Card faxed to GEO. I was asked to provide the fax number to GEO so that my request could be granted.
16. I re-entered the facility and told the front desk guard that I has LSBA on the telephone. I asked the front desk guard for the fax number. The front desk guard left the desk and returned with the white female guard.
17. I explained to the white female guard that I had LSBA on the telephone and that I needed the fax number for GEO. The white female guard told me "that's not going to happen, that's not going to happen". The white female guard refused to give me the fax number. I thanked LSBA for their time and cooperation and hung up.
18. I asked the white female guard why she would not provide that fax number since she said that I could not gain entry into the facility without my Bar Card. She said "I will not allow you to enter because you are not the attorney of record". I responded by reminding her that I stated that I was not the attorney of record upon my initial entry.
19. The white female guard then stated that she misunderstood me and that she initially thought that I was the attorney of record. I then asked if her if she could take the documents to Mr. (b)(6) allow him to sign same, and return them to me. She

explained in an even harsher tone of voice than before that she has policies and procedures to follow and that she had to "protect" the inmates.

20. I left the facility and telephoned Mr. (b)(6) to explain the difficulty I had with the white female guard. Mr. (b)(6) asked me to return to the facility and wait on the parking lot while he telephoned the Warden. Within a minute or so, the Warden telephoned me and told me that I could re-enter the facility.

21. The Warden explained that although I did not have a Bar Card and I had not scheduled the visit with Mr. (b)(6) 24 hours in advance, I could nonetheless obtain the necessary signatures.

22. I explained to the Warden that the white female guard refused to allow LSBA to fax my Bar Card to the facility. He did not respond.

23. Upon my reentry the white female guard approached me and asked in an the harshest tone of voice possible, if there was anything else they could do for me. I did not respond. The front desk guard explained to her that the Warden called me back to the center so that I could get Mr. (b)(6) signature.

24. I met with Mr. (b)(6) gave him the Spanish version of the document for his perusal and obtained his signature.

25. I left GEO at approximately 5:30 p.m.

(b)(6)

DECLARATION OF (b)(6)

I (b)(6) voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 U.S.C. §1746:

1. My true name is (b)(6) I am an adult, of sound mind and body, and am in all respects qualified to make the statements herein. Except where otherwise indicated, these statements are based on personal knowledge.

2. I am the *pro bono* immigration attorney for Mr. (b)(6) (b)(6) I also represent several other men who were arrested by U.S. Immigration and Customs Enforcement during that agency's October 20, 2010, raid on the Clairmont Apartment complex in Nashville, Tennessee.

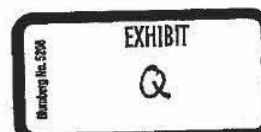
3. As a result of the repeated misinformation my office has received from employees at the Jena/LaSalle Detention Facility, I have been unable to communicate with my client, Mr. (b)(6) by mail. This has significantly delayed and impeded my ability to obtain his signature on several important forms and documents.

4. Because of the virtual impossibility of getting mail to my client at the Jena/LaSalle Detention Facility, I was forced to engage an attorney in Alexandria, Louisiana. I engaged this attorney to visit Mr. (b)(6) (b)(6) in the detention facility, and to obtain his signature on several forms, including his Declaration. An invoice for that attorney's services is attached hereto.

5. Mr. (b)(6) and three other clients of mine who were detained during the Clairmont raid were originally slated to be removed from the United States on Friday, November 5, 2010.

6. At the strenuous urging of several advocates and attorneys, including myself, ICE postponed removal for at least three of my clients, including Mr. (b)(6)

7. Two of those clients have since been informed that they are due to be removed from the United States on Friday, November 19, 2010. I believe that Mr. (b)(6) is also in jeopardy of being removed that day as well.



(b)(6)

Date: 11/17/2010

(b)(6)

Alexandria, LA 71309

(b)(6)

(b)(6)

(b)(6)

INVOICE FOR
LEGAL SERVICES RENDERED

INVOICE NUMBER: 2010-1116

DATE: November 17, 2010

Tax ID# (b)(6)

SERVICE FOR:Law office of (b)(6)
Legal Services**BILL TO:**Law Office of (b)(6)
Attn: Mr. (b)(6)
(b)(6) Murfreesboro Pike
Nashville, TN 37217

Date	Service Description	Hours	Rate	Amount
11-16-10	Rec'd call from (b)(6) re: availability to travel to Jena, LA today	0.10	\$200.00	\$ 20.00
11-16-10	Rec'd/rev'd fax from (b)(6) re: documents for (b)(6) in Jena detention center	0.10	\$200.00	\$ 20.00
11-16-10	Called (b)(6) to verbally review documents and requested an email of same documents	0.10	\$200.00	\$ 20.00
11-16-10	Traveled from Alexandria, LA to GEO Detention Center in Jena, LA	1.30	\$200.00	\$260.00
11-16-10	Remained at GEO Detention Center until (b)(6) became available to sign documents	1.30	\$200.00	\$260.00
11-16-10	Traveled from GEO Detention Center in Jena, LA to Alexandria, LA	1.30	\$200.00	\$260.00
11-16-10	Prepared/edited personal Declaration of events that transpired at GEO	1.50	\$200.00	\$300.00
11-16-10	Emailed (b)(6) my personal Declaration and faxed (b)(6) all remaining related documents	0.10	\$200.00	\$ 20.00

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(b)(6)

Alexandria, LA 71309

(b)(6)

(b)(6)

(b)(6)

Phone
Fax
CellINVOICE FOR
LEGAL SERVICES RENDERED

INVOICE NUMBER: 2010-1116

DATE: November 17, 2010

Tax ID: (b)(6)

SERVICE FOR:

(b)(6)

Legal Services

BILL TO:

Mr. (b)(6)

(b)(6)

Alexandria, Louisiana 71302

Date	Service Description	Hours	Rate	Amount
11-16-10	Rec'd call from (b)(6) re: availability to travel to Jena, LA today	0.10	\$200.00	\$ 20.00
11-16-10	Rec'd/rev'd fax from (b)(6) re: documents for (b)(6) in Jena detention center	0.10	\$200.00	\$ 20.00
11-16-10	Called (b)(6) to verbally review documents and requested an email of same documents	0.10	\$200.00	\$ 20.00
11-16-10	Traveled from Alexandria, LA to GEO Detention Center in Jena, LA	1.30	\$200.00	\$260.00
11-16-10	Remained at GEO Detention Center until (b)(6) became available to sign documents	1.30	\$200.00	\$260.00
11-16-10	Traveled from GEO Detention Center in Jena, LA to Alexandria, LA	1.30	\$200.00	\$260.00
11-16-10	Prepared/edited personal Declaration of events that transpired at GEO	1.50	\$200.00	\$300.00
11-16-10	Emailled (b)(6) my personal Declaration and faxed (b)(6) all remaining related documents	0.10	\$200.00	\$ 20.00

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Page 2

Date	Service Description	Hours	Rate	Amount
11-16-10	Traveled from my office to FedEx-Kinko's	0.20	\$200.00	\$ 40.00
11-16-10	Remained at FedEx-Kinko's until documents were scanned - sent (b)(6) originals via FedEx	0.20	\$200.00	\$ 40.00
11-16-10	Traveled from FedEx-Kinko's to my home	0.20	\$200.00	\$ 40.00
11-16-10	Emailed (b)(6) the scanned documents	0.10	\$200.00	\$ 20.00

SUB-TOTAL 6.50 hours \$1,300.00

EXPENSES

Date	Service Description	Hours	Rate	Amount
11-16-10	FedEx-Kinko's scanned documents to thumb drive	0.00	\$100.00	\$ 11.68
12-28-07	Mailed documents to Law Office of (b)(6) via Federal Express	0.00	\$100.00	\$ 26.92

SUB-TOTAL 0.00 hours \$38.56

TOTAL 6.50 hours \$1,338.56

MAKE CHECK PAYABLE TO (b)(6)
(b)(6) Alexandria, Louisiana 71309

86



2303 S MACARTHUR DR
ALEXANDRIA, LA 71301

Location: ESF
Device ID: ESF-POS1
Employee: 179248
Transaction: 75082624822

PRIORITY OVERNIGHT
888900033325 0.30 (S) 26.91

Scheduled Delivery Date: 11/18/2010

Shipment subtotal: 26.91

Total Due: 26.91

Check: 26.91
1931

X = Weight entered manually.
S = Weight read from scale
I = Insurable item

Subject to additional charges. See FedEx Service Guide
at fedex.com for details. All merchandise sales final.

Visit us at: fedex.com
Or call 1.800.GoFedEx
1.800.185.3339

November 18, 2010 9:07:27 PM



FedEx Office is your destination
for printing and shipping.

2303 S MACARTHUR DR
Alexandria, LA 71301
Tel: (318) 443-9977

11/18/2010
Team Member: Jill C.

9:09:05 PM CST

SALE

Auto-Fed: Scan to PDF 12 # 0.88
2882 Regular Price 0.88

Regular Total 10.88
Discounts 0.00

Total 10.88

Sub-Total 10.88
Tax 0.97
Deposit 0.00

Total 11.85

Check (M) 11.85

Total Tender 11.85
Change Due 0.00

Total Discounts 0.00



* 1 5 1 2 0 0 1 8 5 7 *

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Declaration of (b)(6)

I, (b)(6) voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 U.S.C. §1746.

1. My true name is (b)(6) I am an adult of sound mind and body and am in all respects qualified to make the statements herein.
2. I am an attorney licensed to practice law in the states of Georgia and Tennessee. My license in Georgia is currently inactive.
3. I am the (b)(6) of a not-for-profit immigration legal services organization called Tennessee Justice For Our Neighbors ("JFON"). I am also an assistant public defender in the Davidson County Public Defender's Office in Nashville, Tennessee.
4. I heard about the immigration raid at Clairmont Apartments in Nashville, Tennessee around 2 p.m. on Thursday, October 21, 2010.
5. I asked the JFON attorney (b)(6) to go to the prison on Harding Road in Nashville to meet with detainees, as we had a number of detainees' names.
6. Ms. (b)(6) contacted me later to let me know that she had not been able to meet with the detainees. She informed me that she had spent an hour at the Harding Road facility trying to find out where the detainees were. She left around 5 p.m. with no information from the facility staff about where the detainees were located.
7. The evening of October 21, 2010, I discovered an online jail locator for Davidson County and discovered that the detainees were at the downtown jail in Nashville.
8. At that point, Ms. (b)(6) and I planned for her to go to the jail the following morning to meet with detainees.
9. The evening of October 21, 2010, I engaged in several phone calls and e-mails to reach out to Vanderbilt Law School students to find students who were bilingual who would meet Ms. (b)(6) at the jail the following morning to meet with detainees.
10. I received commitments for 7 bilingual law students to meet Ms. (b)(6) at the jail the following day and worked out a schedule so that we would have one or more volunteers with Ms. (b)(6) at all times during the day.
11. We had about 20 detainees' names at that point, and Ms. (b)(6) intended to spend as much as the day as necessarily to meet with and talk with each detainee.
12. She intended to screen the detainees for immigration remedies, interview them about what happened during the raid, and advise them about civil matters they might need to attend to before being removed to another state. She had a variety of power of attorney forms to offer them to help them authorize others to help arrange their affairs in their absence.
13. At approximately 8:00 a.m. on October 21, 2010, I was notified by (b)(6) that he had heard that the detainees were already being transported out of state.
14. I immediately called a colleague in the public defender's office who logged into the Davidson County Jail Management System software to search for the detainees whose identifying information I gave her. She indicated that the computer showed these detainees had not yet left the Community Justice Center ("CJC"), which is the downtown Nashville jail.
15. I first called 862-(b)(6) to speak to (b)(6) at the Davidson County Sheriff's Office ICE section. Instead, my call was transferred to (b)(6) at 862-(b)(6) at about 9:00 a.m. Ms. (b)(6) said she would call Mr. (b)(6),(b)(7) of Fugitive Ops to see if it was possible to see the detainees before they were taken away or to delay their transport. She was doubtful that either could be done.

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EXHIBIT

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16. Ms. (b)(6) asked me to call her back in about a half an hour.
17. When I called back at about 9:30, Ms. (b)(6) said that the detainees had not left the CJC jail yet, but were scheduled to go at 10 am to the Metro Center office. She said that the transport process had already begun and could not be stopped.
18. I then spoke with (b)(6) at Venture circle where the detainees were to be briefly taken before they were transported to Louisiana. He said it was not possible to stop the transport of the detainees, but that the JFON attorney could meet briefly with a few detainees in the lobby. Mr. (b)(6) said the detainees would be at Metro Center about an hour, then to Alabama for a couple of days, then to Oakdale, LA.
19. I then attempted to call (b)(6), (b)(7)(C) Field Office Director, New Orleans Field Office, Office of Enforcement and Removal Ops on his cell phone at 504 (b)(6), (b)(7)(C) to see if he could slow down the transport of the detainees. I left him a message around 10:15 a.m.
20. After that, I called (b)(6) at the National Immigration Legal Center to ask for help in stopping the transport of the detainees. She agreed to make some other calls and call me back.
21. I was then notified that (b)(6) of the TN Immigrant and Refugee Rights Coalition was contacting the civil rights division of DHS & AILA to help stop the transfer. I was also notified that she had contacted the Rights Working Group for assistance.
22. I was also notified that (b)(6) in Knoxville, TN was contacting some national advocates to try to help stop the transfer of the detainees. She informed me she spoke with (b)(6) Executive Director of the National Immigration Project of the National Lawyers Guild, for assistance. I believe (b)(6) also contacted other national immigration advocates for assistance.
23. Around 10:15 or 10:30 a.m., I spoke with (b)(6), (b)(7)(C) who was returning the call for (b)(6), (b)(7)(C) New Orleans Field Office, Office of Enforcement and Removal Ops. At his request, I e-mailed (b)(6) a list of the detainees we were aware of with some identifying information. Mr. (b)(6) said he would use this list check on the detainees' location. He then called back to say the detainees were already en route. that he would work with us to facilitate our ability to meet with the detainees in Alabama.

(b)(6)



Homeland
Security

January 19, 2011

Via Electronic Mail

(b)(6)

Nashville, Tennessee 37217

(b)(6)

Re: Complaint No. 11-03-ICE-0046 on behalf of (b)(6)

Dear (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on December 14, 2010. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by this Office. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL will contact you with the anticipated course of investigation for your complaint and will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, e-mail, and mailing address if available. You may contact CRCL by email at crcl@dhs.gov, by facsimile at 202-401-4708, by phone at 866-644-8360, 866-644-8361 (TTY), or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, see our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to www.dhs.gov/CRCL. To learn more about the Privacy Act, go to the Federal Information Center, www.pueblo.gsa.gov.

(b)(6)

From: CRCLCompliance
Sent: Tuesday, May 07, 2013 4:27 PM
To: (b)(6)
Subject: Follow-up to CRCL Complaint Number 11-03-ICE-0046
Attachments: FINAL Hold letter (b)(6) 11-03-ICE-0046.pdf

Dear (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



**Homeland
Security**

This message, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying "received in error," and delete the message. In addition, this document may be used FOR OFFICIAL USE ONLY (FOUO) and/or contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). Therefore, it is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information, and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. Thank you.



**Homeland
Security**

May 7, 2013

(b)(6)

Nashville, Tennessee 37217

(b)(6)

Re: Complaint No. 11-03-ICE-0046, (b)(6)

Dear (b)(6)

This letter is a follow-up to the complaint that the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on December 14, 2010, regarding the treatment of your client, (b)(6). The complaint alleges that agents of U.S. Immigration and Customs Enforcement (ICE) violated the complainant's Fourth Amendment and other civil rights when making arrests during a raid on the Clairmont Apartment Complex in Nashville, Tennessee, on October 20, 2010.

In a letter sent to you on January 19, 2011, CRCL informed you that our office would review the allegations raised in the complaint and determine the appropriate course of action to take in investigating it. Since the receipt of this complaint, however, we have learned that on October 19, 2011, your firm and others filed a lawsuit on behalf of your clients in the United States District Court for the Middle District of Tennessee, regarding the same incident referenced in the complaint. The lawsuit is against a number of defendants including at least twelve ICE agents. We apologize for the delay in contacting you but we have been monitoring the progress of the litigation. Since the Court has been addressing the same allegations that were made in the complaint, CRCL has decided to continue to monitor this litigation and wait for it to conclude before finalizing our investigation of the complaint. When the litigation concludes, CRCL will contact you if our office intends to take any further action on this matter.

We appreciate your bringing this matter to our attention. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Blumberg", written over a horizontal line.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-0116 11-03-ICE-0046 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-01-18 18:24	Update	Days to Process	35	6869	(b)(6)	User Change
DhsComplaint	2011-01-18 18:24	Update	Summary	On December 14, 2010, CRCL received correspondence from Attorney (b)(6) of the Immigration Law Offices of (b)(6) on behalf of (b)(6) Statement Contesting Intent to	6869		User Change
DhsComplaint	2011-01-18 18:24	Update	Executive Summary		6869		User Change
DhsComplaint	2011-01-04 16:56	Update	Executive Summary	On December 14, 2010, CRCL received correspondence from Attorney (b)(6) of the Immigration Law Offices of (b)(6) Statement Contesting Intent to	6869		User Change
DhsComplaint	2011-01-04 16:56	Update	Summary	On December 14, 2010, CRCL received correspondence from Attorney (b)(6) of the Immigration Law Offices of (b)(6) Statement Contesting Intent to	6869		User Change
DhsComplaint	2011-01-04 16:40	Create	Component Referenced	ICE	6869		User Change
DhsComplaint	2011-01-04 16:40	Create	Summary	On December 14, 2010, CRCL received correspondence from Attorney (b)(6) of the Immigration Law Offices of (b)(6) Statement Contesting Intent to	6869		User Change

				(b)(6)		(b)(6)
				Statement Contesting Intent to		
DhsComplaint	2011-01-04 16:40	Create	Executive Summary	On December 14, 2010, CRCL received correspondence from Attorney (b)(6) of the Immigration Law Offices of (b)(6) on behalf of (b)(6)	6869	User Change
				Statement Contesting Intent to		
DhsComplaint	2011-01-04 16:40	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	6869	User Change
DhsComplaint	2011-01-04 16:40	Create	Days to Process	21	6869	User Change
DhsComplaint	2011-01-04 16:40	Create	Date to CRCL	12/14/2010	6869	User Change
DhsComplaint	2011-01-04 16:40	Create	Date to DHS	12/07/2010	6869	User Change
DhsComplaint	2011-01-04 16:40	Create	Date on Correspondence	12/02/2010	6869	User Change
DhsComplaint	2011-01-04 16:40	Create	Sender Type	NGO/Organization	6869	User Change
DhsComplaint	2011-01-04 16:40	Create	Method of Receipt	Standard Mail	6869	User Change
DhsComplaint	2011-01-04 16:40	Create	Entry Date	01/04/2011	6869	User Change
DhsComplaintAction	2011-03-02 17:40	Create	Action	Short Form	103846	User Change
DhsComplaintAction	2011-03-02 17:40	Create	Action Date	03/02/2011	103846	User Change
DhsComplaintAction	2014-01-13 10:46	Update	Action	Closed - Short Form/No Further Action	110265	User Change
DhsComplaintAction	2014-01-13 10:46	Update	Comments	Moved to closed - short form no further action. Re (b)(6) instructions.	110265	User Change
DhsComplaintAction	2013-05-07	Create	Reporting	On December 14, 2010, CRCL received a complaint alleging that ICE agents violated civil rights and civil liberties when making arrests at an	110265	User

	17:15		Summary	(b)(6) The complainant filed a lawsuit in the U.S. District Court regarding the same incident referen		(b)(6)	Change
DhsComplaintAction	2013-05-07 17:15	Create	Internal Summary	On December 14, 2010, CRCL received a complaint alleging that ICE agents violated the 4th amendment when it made arrests during a raid on October 20, 2010 at the Clairmont (b)(6) in Nashville, TN. Since the filing of the complaint, the com	110265		User Change
DhsComplaintAction	2013-05-07 17:15	Create	Action Date	05/07/2013	110265		User Change
DhsComplaintAction	2013-05-07 17:15	Create	Document	FINAL Hold letter (b)(6) (b)(6) 11-03-ICE-0046.pdf	110265		User Change
DhsComplaintAction	2013-05-07 17:15	Create	Action	Closed - Short Form Monitoring	110265		User Change
DhsComplaintAction	2012-01-10 14:54	Update	Comments	01-10-12 - Reassigned to (b)(6) Short Form - preliminary investigation on what ICE has done.	103643		User Change
DhsComplaintAction	2012-01-10 14:54	Update	Primary Assignment	(b)(6)	103643		User Change
DhsComplaintAction	2011-01-20 10:02	Create	Action Date	01/20/2011	103235		User Change
DhsComplaintAction	2011-01-20 10:02	Create	Action	Awaiting Recommendation	103235		User Change
DhsComplaintAction	2011-01-20 10:02	Create	Action Date	01/20/2011	103234		User Change
DhsComplaintAction	2011-01-20 10:02	Create	Document	11-03-ICE-0046 (OIG Response 1.20.2011).pdf	103234		User Change
DhsComplaintAction	2011-01-20 10:02	Create	Action	IG Declines/Back from IG	103234		User Change
DhsComplaintAction	2011-02-16 16:35	Create	Action	Back from Officer	103643		User Change
DhsComplaintAction	2011-02-16 16:35	Create	Primary Assignment	(b)(6)	103643		User Change
	2011-						

DhsComplaintAction	02-16 16:35	Create	Action Date	02/16/2011	103643	(b)(6)	User Change
DhsComplaintAction	2011-02-16 16:35	Create	Comments	Short Form - preliminary investigation on what ICE has done.	103643		User Change
DhsComplaintAction	2011-02-03 14:55	Create	Comments	retain, (b)(6)	103379		User Change
DhsComplaintAction	2011-02-03 14:55	Create	Action Date	02/03/2011	103379		User Change
DhsComplaintAction	2011-02-03 14:55	Create	Action	Recommendation Review	103379		User Change
DhsComplaintAction	2011-01-18 18:48	Create	Action Date	01/06/2011	103211		User Change
DhsComplaintAction	2011-01-18 18:48	Create	Comments	On January 6, 2010, Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it (b)(5),(b)(6)	103211		User Change
DhsComplaintAction	2011-01-18 18:48	Create	Action	Notes	103211		User Change
DhsComplaintAction	2011-01-18 18:36	Create	Action Date	01/18/2011	103210		User Change
DhsComplaintAction	2011-01-18 18:36	Create	Action	Sent to IG	103210		User Change
DhsComplaintAction	2011-01-18 18:35	Create	Action Date	01/18/2011	103209		User Change
DhsComplaintAction	2011-01-18 18:35	Create	Action	Open a Complaint	103209		User Change
DhsComplaintDocument	2011-01-04 16:57	Create	Foreign Language	No	81896		User Change
DhsComplaintDocument	2011-01-04 16:57	Create	Document Type	Incoming Letter	81896		User Change
DhsComplaintDocument	2011-01-04 16:57	Create	Document 1	12 14 2010 (b)(6) pdf	81896		User Change
DhsComplaintDocument	2011-01-04 16:57	Create	Dateentered	01/04/2011	81896		User Change
DhsComplaintDocument	2011-01-31 14:49	Update	Document 3	1 19 2011 (b)(6) 11-03-ICE-0046).pdf	82039		User Change
DhsComplaintDocument	2011-01-19	Create	Foreign	No	82039		User

	10:03		Language			(b)(6)	Change
DhsComplaintDocument	2011-01-19 10:03	Create	Dateentered	01/19/2011	82039		User Change
DhsComplaintDocument	2011-01-19 10:03	Create	Document Type	Acknowledgement Letter	82039		User Change
DhsComplaintDocument	2011-01-19 10:03	Create	Document 1	12.14.2010 11-03-ICE-0046 (email).pdf	82039		User Change
DhsComplaintDocument	2011-01-19 10:03	Create	Document 2	12.14.2010 11-03-ICE-0046.pdf	82039		User Change
DhsComplaintIssue	2011-08-12 14:09	Update	(b)(5)	(b)(5)	12576		User Change
DhsComplaintIssue	2011-08-12 14:09	Update	Situation	DHS law enforcement activity	12576		User Change
DhsComplaintIssue	2011-03-02 12:58	Update	Incident Location Type	Residence	12576		User Change
DhsComplaintIssue	2011-03-02 12:58	Update	Incident Location	Clairmont (b)(6)	12576		User Change
DhsComplaintIssue	2011-03-02 12:58	Update	State	Tennessee - TN	12576		User Change
DhsComplaintIssue	2011-03-02 12:58	Update	City	Nashville	12576		User Change
DhsComplaintIssue	2011-03-02 12:57	Create	Primary Issue	Yes	12576		User Change
DhsComplaintIssue	2011-03-02 12:57	Create	Redirect to Subject	No	12576		User Change
DhsComplaintIssue	2011-03-02 12:57	Create	(b)(5)	(b)(5)	12576		User Change
DhsComplaintIssue	2011-03-02 12:57	Create	Ongoing	No	12576		User Change
DhsComplaintIssue	2011-03-02 12:57	Create	Incident Date	10/20/2010	12576		User Change
DhsComplaintPartiesInvolved	2011-01-04 17:01	Create	First Name	(b)(6)	19599		User Change
DhsComplaintPartiesInvolved	2011-01-04 17:01	Create	Prefix	Mr	19599		User Change
DhsComplaintPartiesInvolved	2011-01-04 17:01	Create	Contact Type	On Behalf Of	19599		User Change
DhsComplaintPartiesInvolved	2011-01-04 17:01	Create	Alien Registration	(b)(6)	19599		User Change
DhsComplaintPartiesInvolved	2011-01-04	Create	Last Name		19599		User

	17:01					(b)(6)	Change
DhsComplaintPartiesInvolved	2011-01-04 17:01	Create	First Name	(b)(6)	19598		User Change
DhsComplaintPartiesInvolved	2011-01-04 17:01	Create	Zip Code	37217	19598		User Change
DhsComplaintPartiesInvolved	2011-01-04 17:01	Create	Prefix	Atty	19598		User Change
DhsComplaintPartiesInvolved	2011-01-04 17:01	Create	Other Organization	Immigration Law Offices of (b)(6)	19598		User Change
DhsComplaintPartiesInvolved	2011-01-04 17:01	Create	Contact Type	Sender	19598		User Change
DhsComplaintPartiesInvolved	2011-01-04 17:01	Create	Email	(b)(6)	19598		User Change
DhsComplaintPartiesInvolved	2011-01-04 17:01	Create	Phone	615 (b)(6)	19598		User Change
DhsComplaintPartiesInvolved	2011-01-04 17:01	Create	City	Nashville	19598		User Change
DhsComplaintPartiesInvolved	2011-01-04 17:01	Create	Address Line 1	(b)(6)	19598		User Change
DhsComplaintPartiesInvolved	2011-01-04 17:01	Create	Last Name	(b)(6)	19598		User Change
DhsComplaintPartiesInvolved	2011-01-04 17:01	Create	Organization	Other	19598		User Change
DhsComplaintPartiesInvolved	2011-01-04 17:01	Create	State	Tennessee - TN	19598		User Change

Dent, Martina

From: (b)(6)@dhs.gov]
Sent: Tuesday, March 01, 2011 8:32 AM
To: (b)(6)
Cc:
Subject: RE: CRCL Complaint # 11-05-USCIS-0091

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@dhs.gov]
Sent: Friday, February 25, 2011 3:45 PM
To: (b)(6)
Cc:
Subject: RE: CRCL Complaint # 11-05-USCIS-0091

(b)(6)

Summary of a new complaint for your review:

On February 11, 2011, CRCL received correspondence from (b)(6), Chicago Illinois. In a certified letter dated January 29, 2011, (also sent to the USCIS Chicago Field Office) (b)(6) alleges that two unidentified USICE Officers unlawfully tried to gain access to his property located at (b)(6) Chicago Illinois, on January 3, 2011 and on January 13, 2011.

(b)(6) alleges that the two USICE officers, one male one female, then returned to his residence on January 29, 2011 at about 9am. (b)(6) alleges that they banged on his door and windows. Both officers identified themselves as ICE representatives but refused to give their names. (b)(6) alleges that he asked the officers if they had a judicial warrant to enter the premises to which they did not answer but instead forced (b)(6) into his room and ordered him to sit down and answer their questions. (b)(6) also alleges that the officers threatened him and deprived him of the right to remain silent until in the presence of his attorney. He claims that the agents accused him of harboring an alien.

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties
Department of Homeland Security

(202) 357-(b)(6) (phone)

(b)(6) [@dhs.gov](mailto:(b)(6)@dhs.gov)

(b)(6)

Chicago IL 60649

January 29th 2011

**Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
245 Murray Lane, SW
Building 410
Mail Stop #0800
Washington, DC 20528**

Dear Officer:



Please accept this letter as a complaint against un-identified Officers "John Doe" and "Kate Doe" of USICE-Chicago, who came to my private residence on the morning of January 29th 2011, at 9:15 a.m. My home address is (b)(6) Chicago IL, 60612.

I am a citizen of the United States and Married to an alien. I have been diagnosed of HIV and have been living in this secluded address for safety reason.

So, it was an interesting coincidence that two ICE officers have on the following dates try to gain access into my property unlawfully.

On 01/03/11 two un-identified individuals from INS attempted to force them self into my building but was not able, consequently on the 13th of Jan.2011 while I was out to hospital, they came again but met my absence, again on 1/19/11 two un-identified ICE or INS agents approached me while I was getting into a medical Van to take me to hospital for surgery, two un-identified, a male and a female approached me and identified themselves as agents of INS, and I told them That I was going to hospital for a surgery, they saw that I was seriously ill but tried to hold me back for more questioning, at that time I responded to them I have a medical appointment for surgery and I have to go, they keep on following me until I got into the medical van, then they left.

Finally on 01/29/11 at about 9am this morning two un-identified men rang my doorbell, having bypassed the street security gate and buzzer that most people understand to be an indication that the multi-unit apartment building is not open to the general public. At about 9: a.m., as I was still sleeping, my apartment doorbell rang.

Almost naked, I opened the door after they officers have banged heavily on both my door and windows and was greeted by two un-identified agents, one is a male, of Mexican origin, he is between 35-40 years old, and they came with a Belgian-white Ford Fusion, the other agent is a female, between 30-40 years old, with blond long hair and wears glasses. Both officers identified themselves as ICE officer. Both of them refused to identify their names, the male officer stated that they are looking for me (b)(6).

I inquired whether the officers possessed a judicial warrant to enter the premises. The officers did not respond. I then stated to the officers that I declined to answer any questions, and I stated to them that they needed to leave. But the officers forced me into my Room and ordered me to sit down and answer their questions promptly other wise they will arrest me and take me to jail, the male officer puts his hands on his Gun, while the female agent showed me her badge.

While sitting down, the un-identified agents humiliated me and forced me under duress to swear an oath and forced me to answer yes to all their questions, which I couldn't remember what some of their questions and answer I gave them was. As my HIV sickness progressed, I have many seizures which have affected most of my brain cells that I can't recall or remember certain things.

After they have threatened and deprived me of the right to remain silence until the presence of my attorney, they decided to leave me and worked out of my unit.

While still inside my room, I was almost naked when the came in, during their aggressive interrogations, the male officer threatened me with prosecution for alien harboring. And for fraud and requested that I answer yes to all their questions against my wife If I don't want to be prosecuted. I responded that my wife is my soul mate and loved me so much even with my contagious illness. That we are still married and will remain married unless death does us apart

While Inside with these two un-identified agents as they claimed to be, with his gun on me. I again inquired whether the officers had a judicial warrant to enter my premises, as the male officer had stated he would forcibly enter my residence even if I did not open the door. They did not respond if they have a warrant or not. I stated to the officers that they were not entitled to forcibly enter my home without a judicial warrant.

I next instructed the officers to leave my apartment building, unless they had other business at the

building. The officers refused to promptly leave. I informed them that they must leave private property when requested if they did not possess a judicial warrant. Under fear I couldn't mentioned to them that I will call the Chicago Police for fear of being shot to death.

It is evident that I have a right to possession of the common area, my unit and that I chose to exclude the officers from the common areas, of the building and from my unit, I further stated to the officers that they had no claim to possession of the property.

The officers then continued to loiter directly in front of my apartment door for approximately 15 minutes. After torturing me inside This made it difficult to make a call or run and seek for help from neighbors'.

The two un-identified agents have committed invasion of my privacy rights.

Towards the end of their visit before stepping out of my unit, I asked the officers why they were at my residence, to which they did not respond. Then I remembered and gained a little consciousness, and said to my self, at this point that I would have declined to answer any questions related to their enforcement efforts.

As an American citizen, I feel that it is very important that the representatives of my own government respect the law rather than break it. The conduct of the unidentified officer in threatening to kick down my door, though they obviously lacked the legal authority to do so, is indefensible. Such behavior is unbecoming a federal law enforcement agent. The officer's threat placed me in fear of my physical safety.

But for my Understanding of the law, I have little doubt that my rights have been completely brushed aside. By making criminal threats against my home and physical safety, threatening prosecution without probable cause or even reasonable suspicion, and refusing to respect my property rights, the officers clearly sought to dissuade the exercise of my constitutional right to be free from unreasonable searches and seizures.

I also object to the officers trespassing on private property. Federal officers may violate state law only where federal law preempts that law. No federal law authorizes officers to enter and remain in the common access areas of an apartment building pursuant to an investigation without warrant, after having been requested to leave by the person in possession thereof. Because no federal law authorizes the officers' conduct, they are subject to state laws regulating that conduct.

Illinois Law defines as trespass the "refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by ... the owner's agent, or the person in lawful possession ... however, this subdivision shall not apply to persons on the premises who are engaging in activities protected by the Illinois or United States Constitution, or to persons who are on the premises at the request of a resident or management and who are not loitering or otherwise suspected of violating or actually violating any law or ordinance."

USCIS, ICE, INS or United States Homeland Security Administration has never invited me to their office for any interrogation, have never sent any request to me to report to their office for some interrogation, I have never refused to present my self for any evidential hearing requested by the above government entity, why then did they decide to forcefully invade my home without a judicial warrant and ended up intimidating, harassing and threatening me?

Whether as the person in possession of the common area, my unit, for the purpose of excluding unauthorized persons from the premises, I was authorized to exclude the officers from the building.

ICE officers undergo extensive training on immigration and constitutional law. I have no doubt that the conduct of the above officers was knowing and willful. This incident also appears to be just one example of a pattern of constitutional violations in recent times by ICE officers, suggesting the agency has adopted a policy of aggressive violations of constitutional rights in its enforcement efforts.

I request acknowledgment of this complaint, and disclosure of the identity of the two un-identified officer (or at a minimum confirmation that you have identified them and are able to investigate this complaint) within 14 days. Failure to answer will automatically imply deemed as true and I will file a legal law suit to stop such form of abuse and invasion of privacy and to demand damages. I appreciate your attention to this matter. If I can provide any additional information, please do not hesitate to contact me in writing at the address above.

Sincerely,

(b)(6)

(b)(6)

Cc: USCIS Chicago Field Office

Certified Mail: (b)(6)

ICE

(b)(6)

CHICAGO IL 60649

(b)(6)

OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES
U.S. DEPARTMENT OF HOMELAND SECURITY
245 MURRAY LANE, SW
BUILDING 410
MAIL STOP # 0800
WASHINGTON, DC 20528

AUG 16 2011
(b)(6)
KEL

U.S. DEPARTMENT OF HOMELAND SECURITY
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
ST. ALANS, VT 05479

RE: AFFIDAVIT AND CLARIFICATION OF FACT

7/30/2011

Dear (b)(6),(b)(7)(C) or officer in charge,

On January 29th 2011, I filed a complaint of harassment and intimidation against me by INS and ICE agents attached herein as "Exhibit A".

On June 10th 2011, I received a reply stating that my report is being investigated attached herein here as "Exhibit B".

Since the reception of your response to my report, no efforts have been made by ICE or INS to inform me of who inflicted such horror on me on January 29th 2011.

Due to my ill health an some time loss of memory due to constant seizures, I couldn't know what to do and how to do it. All I know is I have been harassed and intimidated, and as a result of it an innocent person is suffering it now. I wish to say the truth and let INS let go free the innocent person.

I will attribute the cause of all this behavior of INS and ICE agents as a result of abuse of power. I am a citizen of this country; such humiliating and interrogative way is not allowed by law.

We are in a free world, a free society, no one should be acclaimed guilty until all evidence is clear and is beyond reasonable doubt.

On July 27th 2011, I wrote another letter requesting the next step toward investigating the assault, harassment and intimidation that I reported of. Attached here is a copy of the letter marked "Exhibit C".

On July 29th 2011, Mr. (b)(6) notified me that he received a letter from INS stating that I denied signing a statement I made in Nov 8th 2005 about an incident that happened on Sept. 9th 2005.

(b)(6)

Being critically ill, couples with multiple seizures and deadly sickness, I don't even remember being asked that questions and due to the fact that I was under fear, threat and anguish.

I made it clear in my report of January 29th 2011 as I may recall two ICE/INS officers forced themselves through our secured gate and entered my unit while I was still half naked with Gun pointed by my side threatens to arrest me if I fail to cooperate with them.

To be honest, I can't even recall much that happened on that day, I was seriously sick, I was asked some questions and I responded to the best of my knowledge, then the male ICE/INS agent showed me a folded letter and pointed at the signature part and asked me is this my signature, I recall answering yes but with fear of my life, I asked show me the letter, But he refused to show me the letter and asked me several times, after other questions, finally asked me is this your signature , I said , yes , it looks like me, is there anything wrong?.

The officers then, calmly told me we will not harm you just sign in this portion that this is not your signature and that you did not sign it.

At first they never told me what the content of the letter is or about whom it is all about but later after I have signed what the demanded they told me that Mr. (b)(6) has bought some life insurance on my name. Until today, I couldn't believe such a liable statement from agents of the Government.

After thorough searches, I found a copy of the letter I presumed they were showing me only the signature part, I remember what the case is all about now and I remembered the incident. It was my signature and I was the one who signed it , I believe I signed it in a hurry and under severe nervous state because of my constant seizures while on my sick bed, being nervous or I have authorized someone to sign it on my behalf. The fact is this, I witnessed the incident,, I wrote the letter and signed it or authorized someone to signed it for me.

I hereby withdraw any notation or oath I made to the two INS/ICE agents who refused to identify themselves when asked by me. I hereby under oath attest that Mr. (b)(6) has nothing to do with the letter if it is this letter attached herein as "exhibit D".

Both the content and the incident are real, therefore all doubt and suspicions should be vacated and stop further libel and slander against this immigrant who has committed no fault.

Finally, I wish to make it clear that this affidavit serves as a counter affidavit to demerit all allegations of the two ICE and INS agents and that whatever I signed for them was under strict intimidation and harassment. I will never sign something that I never saw or read. They deprived me of the right to see the letter before signing what they want me to sign. Again, I witnessed the incident and I signed it period.

(b)(6) under oath, states that he has read the above/ attached complaint and clarification of facts, and knows its contents. I state that this motion is true in both substance and fact.

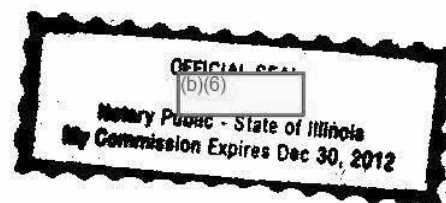
Further Affiant Sayeth Not

Subscribed and sworn to before me

(b)(6)

2011

SEAL



(b)(6)

(b)(6)

CHICAGO IL 60649

OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES
U.S. DEPARTMENT OF HOMELAND SECURITY
245 MURRAY LANE, SW
BUILDING 410
MAIL STOP # 0800
WASHINGTON, DC 20528

6/27/2011

Dear Officer Jeffrey S. Blumberg

On June 24th 2011, I received a letter from your office dated June 10th 2011 which is a response to my letter to your office received on February 8th 2011.

In that letter you confirm that CRCL have determined that my allegations should be investigated by ICE, a component of DHS, which will conduct an investigation into the circumstances surrounding any visits to my resident by ICE agents in January of 2011, to investigate violation of civil rights, civil liberties and profiling on the bases of race, ethnicity, or religion and report its findings to CRCL.

You also mentioned that your office does not provide individuals with legal or procedural rights or remedies.

You also mentioned that there may be time limitations that govern how quickly I need to act to protect my interest. I am not an attorney, and I don't have the money to hire one, I wish to represent myself, but my simple and urgent questions are

- a. What is the statute of limitation on this issue I have reported to your office?
- b. Is there any time limitation to institute any legal action
- c. If there is , how long? And state the law to that effect.

I will appreciate you quick response.

Yours Sincerely

(b)(6)

(b)(6)

Nov. 8th 2005

(b)(6)

Chicago IL 60612

WITNESS INCIDENT REPORT:

To Whom It May Concern:

Dear Sir/Madam,

Mr. (b)(6) has been my landlord since 2002, and we worked together at American airline since 2000.

I have known him for almost 5 years now.

I knew him and his wife (b)(6) since 2000 as a good married couple.

Throughout my tenancy there I witnessed at least 3 violent attacks towards Mr. (b)(6) by his wife (b)(6)

This young immigrant from Nigeria is a humble, honest, generous and non-violent person.

His personality speaks for him self.

He is an ideal husband.

On 3 different occasions I rescued him from the brutal hands of his "beloved wife" (b)(6)

His wife on these different incidents that happened towards the end of 2004 and the beginning of 2005, was very violent and aggressive towards her defenseless husband. She threw the chair onto him and pushed him to the wall and onto the floor. I had pity for him, I took him to my own apartment. During this violent act from his wife Mr. (b)(6) never strike back rather he tries to restrain her from inflicting more harm on him. He never abuses his wife.

Mrs. (b)(6) abused her husband both psychologically and physically.

Mr. (b)(6) gave up his hope for a better marriage on Sept. 9th 2005 when her wife attacked him and pushed him down inflicting minor injury to him. I rushed to his rescue with innocent other friend Mr. (b)(6) who promise to call the police. It was at this junction that Mrs. (b)(6) left the house.

Consequently Mr. (b)(6) reported the case to the Police, but the violence continued thereafter which motivated Mr. (b)(6) to file for a restriction order and consequently divorce.

I will be glad to testify if need be.

Thanks

(b)(6)

**DEPARTMENT OF HOMELAND SECURITY
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES
COMPLAINT SUMMARY FORM**

To be placed under the first left tab of the complaint folder

Summary Prepared By:	(b)(6)	Date Prepared:	2/25/2011
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Identifying Information

Complainant/ Individual's FN:	(b)(6)	MN:		LN:	(b)(6)
Individual's Alien number:					
Third Party's FN (Written By):			Third Party's LN (Written By):		
Third Party's Organization:					
Source Name/ Office/Agency (<i>e.g., other DHS component, government agency, or NGO referring the complaint to CRCL, not representing the complainant</i>)					

If the Complaint file would be more appropriately labeled with a phrase other than an individual complainant's name, type that tagline/name here:

Special Category (*check any that apply*)

- | | |
|--|---|
| ☐ Sexual Abuse (PREA)
☐ Language Issues
☐ Recipients of Federal Financial Assistance
☐ Medical Issues
☐ Mental Health Issues
☐ DHS Traveler Redress Inquiry Program (TRIP)
☐ Deaths – Further Action
☐ Deaths – No Further Action | ☐ ICE 287(g) Program
☐ ICE Secure Communities Program
☐ DHS OIG Referral to CRCL
☐ CBP Referral to CRCL
☐ ICE Referral to CRCL
☐ FPS Referral to CRCL
☐ Other (please specify) |
|--|---|

Allegation

Received by DHS:	2/7/2011	Received by CRCL:	2/8/2011
Allegation Type:	Civil Right/Civil Liberty [UNLESS IT IS A SECTION 504 COMPLAINT OR OTHER TYPE OF COMPLAINT. IF SO, PLEASE NOTE THAT]		

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February 2011

Incident Date: <i>(If this is a recurring incident or condition, list date range[s]):</i>		Time of Incident:	
Summary of Allegation(s):	On February 11, 2011, CRCL received correspondence from (b)(6) Chicago Illinois. In a certified letter dated January 29, 2011, (also sent to the USCIS Chicago Field Office) Mr. (b)(6) alleges that two unidentified USICE Officers unlawfully tried to gain access to his property located at (b)(6) Apartment (b)(6) Chicago Illinois, on January 3, 2011 and on January 13, 2011.		
Compliance Director's Recommendation:	COMMENTS: On 2/25/11 Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it be handled as a Complaint assigned to		

Allegation Details

Primary Issue:	Abuse of Authority/Color of Law	Primary Basis:	
Secondary Issue:		Secondary Basis:	

Select additional Secondary Issues and Secondary Bases if necessary. Add additional rows to the table above.

Categories from which to Select Allegation Issues and Bases

Allegation Issue Categories:

Abuse of Authority/Color of Law
Conditions of Detention
Discrimination
Due Processing/Administrative Processing
Profiling
Treatment
Unaccompanied Minors

Allegation Basis Categories:

Age
Citizenship (specify)
Color (specify whether dark, medium or light complexion)
Detainee
Disability (mental)
Disability (physical)
Harassment
Inappropriate touching
Limited English Proficiency
National Origin (specify)
Non-Detainee
Race (specify race)
Racial Harassment
Referral to secondary
Religion (specify religion)
Retaliation
Rude, unprofessional conduct
Sex (specify whether male or female)
Sexual Harassment
Ethnicity (specify ethnicity. "Hispanic/Latino" is a selection in this category.)
Other (please specify)

[If the complaint involves an Unaccompanied Minor as a complainant/victim, the Primary Issues is Unaccompanied Minors.]

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February 2011

Involved Parties

Component Selection List: DHS HQ, DHS, CBP, FEMA, FLETC, ICE, TSA, USCG, USCIS, USSS

Component(s) Referenced (If complaint involves multiple components, list DHS):	USCIS
Component(s) Involved (list all that apply, based on the above checklist):	
Individual(s) (list name, title/position, and employment location. State if the individual is a subject of the complaint.):	1.

Location(s) of Incident(s)

Incident Location Type (check all that apply):

- | | |
|--|--|
| ☐ Airport | ☐ Street Stop |
| ☐ Airplane | ☐ Place of Business |
| ☐ BCIS Facility | ☐ Residence |
| ☐ Border and Fixed Checkpoint | ☐ Detention IGSA |
| ☐ Government Building | ☐ Detention SPC |
| ☐ Seaport | ☐ Detention CDF |
| ☐ Ship | ☒ Other (please specify) |

Incident Location (list name of airport or port of entry or other location):	Complainants Home		
City:	Albany	State:	NY

*If this complaint involves more than one incident location, list each location separately.**If the alleged incident occurred outside the U.S., identify the city and county where it occurred.***Notes**

Notes:	
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FOR OFFICIAL USE ONLY / LAW ENFORCEMENT SENSITIVE

February 2011



**Homeland
Security**

March 19, 2012

(b)(6)

Chicago, Illinois 60649

Re: Complaint No. 11-05-ICE-0091

Dear (b)(6)

This letter is in response to information the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on February 8, 2011. In a letter dated June 10, 2011, we informed you that pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the matters raised in your complaint would be investigated by U.S. Immigration and Customs Enforcement (ICE), a component of DHS. On January 25, 2012, ICE provided its report to CRCL.

In your complaint, you alleged that ICE employees or officials threatened you, refused to respect your property rights, and subjected you to an unreasonable search and seizure at your residence in January 2011. ICE received the information and allegations provided in your correspondence and conducted an internal investigation. A fact-finder from ICE's Office of Professional Responsibility (OPR) investigated your allegations and provided the results of the investigation to CRCL.

During the investigation, ICE OPR made repeated attempts to interview you and your attorney. To conduct a thorough investigation, ICE OPR needed to interview you or your attorney for additional information and for clarification of the information you provided in your letter to CRCL. After you declined to be interviewed, ICE OPR attempted to contact your attorney on several occasions but never received a response regarding their request for an interview. Due to the lack of response from your attorney, ICE OPR has closed its investigation into your complaint.

This concludes our review of the complaint. We appreciate your bringing this matter to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Blumberg', with a long, sweeping horizontal stroke extending to the right.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



**Homeland
Security**

February 25, 2011

(b)(6)

Chicago IL, 60649

Re: Complaint No. 11-05-USCIS-0091

Dear (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on February 18, 2011. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by this Office. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL will contact you with the anticipated course of investigation for your complaint and will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at crcl@dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, see our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to www.dhs.gov/CRCL. To learn more about the Privacy Act, go to the Federal Information Center, www.pueblo.gsa.gov.



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
COMPLAINT WITHOUT RECOMMENDATIONS
CLOSURE MEMORANDUM

To: Jeffrey Blumberg
From: (b)(6)
Date: March 19, 2012
Complaint Number: 11-05-ICE-0091
Complainant Name (Alien Number): (b)(6)

Reason(s) for Closure without Recommendations (check all that apply):

☒ Insufficient information to investigate ☐ Withdrawal of complaint ☐ Lack of jurisdiction ☐ Allegation(s) untimely/overtaken by events ☐ Component and/or facility has already corrected the problem ☐ Allegation(s) against component, individual, and/or facility unfounded or unsubstantiated	☐ Allegation(s) substantiated but does not warrant recommendations ☐ No finding of detention standards violations ☐ No finding of policy or procedure violations ☐ Complaint added to information layer and closed (linked) ☐ Complaint being handled as part of another related complaint (related) ☐ Other (provide details):
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Complaint Synopsis and Explanation of Closing Rationale:

On February 8, 2011, CRCL received correspondence from (b)(6) concerning his treatment by U.S. Immigration and Customs Enforcement (ICE) officers at and around his residence in Chicago, Illinois. (b)(6) alleged that ICE officers approached him on several occasions during January, 2011, entering his home, threatening him, refusing to respect his property rights, and subjecting him to an unreasonable search and seizure. (b)(6) alleged that during these encounters ICE officers questioned him, but (b)(6) could not remember the specific questions they asked him due to his significant health problems, including HIV and seizures.

CRCL referred the investigation to ICE on June 10, 2011. ICE investigated the allegations, and provided its Report of Investigation (ROI) to CRCL on January 25, 2012. According to the ROI, a fact-finder from the ICE Office of Professional Responsibility (ICE OPR) attempted to contact Mr. (b)(6) through a publicly-listed telephone number on June 28, 2011. An unidentified male answered the call and told the fact-finder that Mr. (b)(6) was not at home. Later that day, the unidentified male called the fact-finder to ask about the purpose of the call to Mr. (b)(6). The fact-finder informed the unidentified male that the call was in response to a letter Mr. (b)(6) had written in January 2011. The unidentified male stated that he would call Mr. (b)(6) and provide him that information. The fact-finder did not receive any further calls from the unidentified male or Mr. (b)(6).

On June 30, 2011, the fact-finder attempted to call Mr. (b)(6) at his residence, but the call went

unanswered. On August 26, 2011, the fact-finder attempted to interview Mr. (b)(6) at his home, but Mr. (b)(6) told the fact-finder that all questions should go through Mr. (b)(6) attorney. Mr. (b)(6) provided a telephone number for his attorney, but the fact-finder was unable to reach the attorney at the number provided. On both attempts, the call was answered by an unidentified male, who hung up when the fact-finder asked to speak with the attorney.

The fact-finder searched public records to find additional contact information for Mr. (b)(6) attorney, but public records indicated that no one with the name provided by Mr. (b)(6) was licensed to practice law in Illinois. On September 29, 2011, the fact-finder again attempted to speak with Mr. (b)(6) at his residence. Mr. (b)(6) declined to be interviewed, and he told the fact-finder that he had provided an incorrect name and telephone number for his attorney. The fact-finder attempted to contact the second attorney through both telephone and email. In response, the attorney told the fact-finder that because Mr. (b)(6) has medical issues, the attorney would need to consult with Mr. (b)(6) before scheduling an interview with the fact-finder. On October 24, 2011, the fact-finder emailed the attorney to ask for an update, reiterating to the attorney that the details in Mr. (b)(6) letter required additional information and clarification. As of the date of the ROI, the fact-finder had not received a response from the attorney or from Mr. (b)(6).

In addition to ICE OPR's efforts to contact Mr. (b)(6) and his attorney, ERO Field Office Director (FOD) (b)(6),(b)(7)(C) instructed his agents to search their records for any activity taking place at Mr. (b)(6) residence. FOD (b)(6),(b)(7)(C) was unable to find any information indicating that ERO had any contact with Mr. (b)(6) or any other individual at his home address. While Mr. (b)(6) stated that the ICE agents drove a Ford Fusion when they came to his house, FOD Triveline stated that the Chicago Field Office does not have any Ford Fusions in its vehicle fleet. Furthermore, FOD (b)(6),(b)(7)(C) could not identify the officers by the descriptions provided by Mr. (b)(6). A Homeland Security Investigations (HSI) agent searched several databases, including TECS and SEACATS, which revealed no HSI activity taking place at Mr. (b)(6) home address.

On November 30, 2011, the ICE OPR fact-finder contacted CRCL to report on the status of the investigation. Based on the limited information provided in Mr. (b)(6) correspondence, as well as the lack of response and cooperation from Mr. (b)(6) or his attorney, ICE OPR and CRCL agreed that the investigation should be closed.

Suggested Closure Method(s) (check all that apply):

- | | |
|---|--|
| ☒ Close letter to complainant | ☐ Close email/memo to component |
| ☐ Phone call | ☐ High level component communication |
| ☐ No notification necessary | ☐ Close Memo (No contact information) ¹ |
| ☐ Other (provide details): | |

Comments (optional):

¹ Typically this occurs when a complainant has been removed from the United States and no contact information is available.

For Completion by Reviewer:

Closure Recommendation Accepted 

Closure Recommendation Not Accepted _____

Further Action Required: _____

Law Enforcement Sensitive/For Official Use Only



**Homeland
Security**

June 10, 2011

(b)(6)

Chicago, IL 60649

Re: Complaint No. 11-05-ICE-0091

Dear (b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) received information from you on February 8, 2011, concerning your treatment by employees or officials of U.S. Immigration and Customs Enforcement (ICE) at your residence in Chicago, Illinois, between January 3 and January 29, 2011.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against Department of Homeland Security (DHS) employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion.

CRCL takes allegations of violations of civil rights and civil liberties very seriously. We have determined that your allegations should be investigated by ICE, a component of DHS, which will report its findings to CRCL. ICE will conduct an investigation into the circumstances surrounding any visits to your residence by ICE agents in January 2011.

We will review ICE's findings and assess compliance with civil rights requirements in these areas. The purpose of this process is to determine if your allegations raise issues that should and can be addressed by the management of DHS.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

ICE or CRCL will contact you if additional information is needed or to report on the Department's review of this matter. If you have any questions concerning this referral, you may contact CRCL by phone at 866-644-8360, 866-644-8361 (TTY), or by email at crcl@dhs.gov. When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

We thank you for your complaint; inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how the Department concluded this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



Homeland
Security

June 10, 2011

MEMORANDUM FOR:

(b)(6), (b)(7)(C)

Deputy Division Director, Investigative Support Unit
Office of Professional Responsibility
U.S. Immigration and Customs Enforcement

Peter S. Vincent
Principal Legal Advisor
U.S. Immigration and Customs Enforcement

FROM:

Jeffrey S. Blumberg 
Director, Compliance Branch
Office for Civil Rights and Civil Liberties

(b)(6)

Attorney Advisor
Office of General Counsel

SUBJECT:

Complaint No. 11-05-ICE-0091

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that ICE has violated an individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and to inform you that we are referring this complaint to ICE for investigation. We request that the appropriate office within your component complete an inquiry into the enclosed complaint/s within 180 days of the date of this referral. Please see the attached Referred Complaint Assistance Form for guidance regarding this inquiry.

CRCL authorities. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in Department of Homeland Security (DHS) Management Directive 3500. We have received information concerning the above listed complaint that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

Protected by Attorney-Client and Deliberative Process Privileges

Access to information. More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require[e] cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

Reprisals forbidden. In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

Privilege and required transparency. Our communications with ICE personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.”

When the inquiry is complete, please contact CRCL with your component’s findings and recommendations. CRCL will review the matter in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed this complaint, and will provide you with any recommendations resulting from this complaint.

If you have any questions concerning this referral, please do not hesitate to contact my colleague, (b)(6) by phone at 202-357-(b)(6) 866-644-8360 (TTY), or by email at (b)(6)@dhs.gov.

Copies to:

(b)(6),(b)(7)(C)
Regional Operations Manager, Investigative Support Unit
Office of Professional Responsibility
U.S. Immigration and Customs Enforcement
(b)(6),(b)(7)(C)@dhs.gov

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(b)(6),(b)(7)(C)

Office of Professional Responsibility
U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C)@dhs.gov

(b)(6),(b)(7)(C)

Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C)
(C)@dhs.gov

Enclosure/s

Protected by Attorney-Client and Deliberative Process Privileges



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
REFERRED COMPLAINT ASSISTANCE FORM

REFERRED COMPLAINT ASSISTANCE	
Assigned To:	ICE
Requested From:	DHS Headquarters Office for Civil Rights and Civil Liberties (CRCL)
POC:	(b)(6) Policy Advisor (Compliance), 202-357 (b)(6) (b)(6) @dhs.gov
Date Referred to CBP:	June 10, 2011
Deadline to CRCL:	Within 180 days of the date on the attached memo.
CRCL Complaint No:	11-05-ICE-0091 (b)(6)
SYNOPSIS	
On February 11, 2011, CRCL received correspondence from (b)(6) of Chicago, Illinois. In a certified letter dated January 29, 2011 (also sent to the USCIS Chicago Field Office), (b)(6) alleges that two unidentified ICE Officers unlawfully tried to gain access to his property at (b)(6) Chicago Illinois, on January 3, 2011, January 13, 2011, and January 19, 2011. While the agents were not able to gain access on any of these dates, (b)(6) alleges that on January 19, 2011, two agents approached him as he was getting ready to go to the hospital for surgery. According to (b)(6) the agents attempted to stop him from going to the hospital in order to question him and only stopped following him when he entered the medical van that was taking him to the hospital. (b)(6) alleges that the two ICE officers, one male and one female, then returned to his residence on January 29, 2011, at about 9am. (b)(6) alleges that, after getting through the street security gate and buzzer, they rang his doorbell and banged on his doors and windows. Both officers identified themselves as ICE representatives, but refused to give their names. (b)(6) alleges that he asked the officers if they had a judicial warrant to enter the premises, but that they did not answer. When they did not answer his question, (b)(6) alleges that he told the agents that he would not answer any questions and that they should leave. Instead, the agents allegedly threatened to break down his door and forced (b)(6) into his room and ordered him to sit down and answer their questions under threat of arrest and prosecution for fraud and for harboring an illegal alien. (b)(6) alleges that the agents humiliated him, threatened him, and deprived him of his right to remain silent. (b)(6) alleges that after the agents questioned him, they began working out of his apartment. He then again asked the officers to leave the apartment building; he alleges that he was too scared to call the police or ask neighbors for assistance. According to (b)(6) the agents refused to leave and instead stood directly in front of his apartment door for approximately fifteen minutes. (b)(6) claims that he felt threatened by the actions of the officers – including gestures made by at least one officer toward his gun -- which made it difficult for him to call or run and seek help from his neighbors. (b)(6) alleges that over the course of these incidents, ICE agents have made criminal threats against him and his home and physical safety, threatened prosecution without probable cause or reasonable suspicion, refused to respect his property rights, and subjected him to unreasonable search and seizure. Further, while (b)(6) indicates that he would be willing to speak with authorities, he alleges that he has never been asked	

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OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
REFERRED COMPLAINT ASSISTANCE FORM

to appear at USCIS, ICE, INS, or DHS offices for interrogation, either verbally or in writing.

ISSUES/ALLEGATIONS

Issues/Allegations
to be addressed in CBP's Fact
Finding Report/ROI submitted to
DHS CRCL:

- (b)(5), (b)(6)
-
-

Information/Documents requested
by DHS CRCL:

(b)(5), (b)(6)

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DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-0311 11-05-ICE-0091 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-02-16 15:37	Create	Component Referenced	USCIS	7068	(b)(6)	User Change
DhsComplaint	2011-02-16 15:37	Create	Summary	On February 11, 2011, CRCL received correspondence from (b)(6) Chicago Illinois. In a certified letter dated January 29, 2011, (also sent to the USCIS Chicago Field Office) (b)(6) alleges that two unidentified USICE Officers unlawfully tried to	7068		User Change
DhsComplaint	2011-02-16 15:37	Create	Executive Summary	On February 11, 2011, CRCL received correspondence from (b)(6) Chicago Illinois. In a certified letter dated January 29, 2011, (also sent to the USCIS Chicago Field Office) (b)(6) alleges that two unidentified USICE Officers unlawfully tried to	7068		User Change
DhsComplaint	2011-02-16 15:37	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7068		User Change
DhsComplaint	2011-02-16 15:37	Create	Days to Process	7	7068		User Change
DhsComplaint	2011-02-16 15:37	Create	Date to CRCL	02/09/2011	7068		User Change
DhsComplaint	2011-02-16 15:37	Create	Date to DHS	02/07/2011	7068		User Change
DhsComplaint	2011-02-16 15:37	Create	Date on Correspondence	01/29/2011	7068		User Change
DhsComplaint	2011-02-16 15:37	Create	Sender Type	Individual	7068		User Change
DhsComplaint	2011-02-16 15:37	Create	Method of Receipt	Standard Mail	7068		User Change
DhsComplaint	2011-02-16 15:37	Create	Entry Date	02/16/2011	7068	(b)(6)	User Change
DhsComplaint	2011-02-25	Update	Days to Process	16	7068		User

	15:46					(b)(6)	Change
DhsComplaint	2011-02-25 15:46	Update	Allegation	(CR/CL) Civil Rights/Civil Liberty	7068		User Change
DhsComplaint	2011-02-16 15:44	Update	Allegation	(NJ) No Jurisdiction	7068		User Change
DhsComplaint	2011-05-23 10:26	Update	Days to Process	103	7068		User Change
DhsComplaint	2011-05-23 10:26	Update	Executive Summary	On February 11, 2011, CRCL received correspondence from (b)(6) Chicago Illinois. In a certified letter dated January 29, 2011, (also sent to the USCIS Chicago Field Office) (b)(6) alleges that two unidentified "USICE" Officers unlawfully tried t	7068		User Change
DhsComplaint	2011-05-23 10:26	Update	Component Referenced	DHS	7068		User Change
DhsComplaint	2011-05-23 10:26	Update	Summary	On February 11, 2011, CRCL received correspondence from (b)(6) Chicago Illinois. In a certified letter dated January 29, 2011, (also sent to the USCIS Chicago Field Office) (b)(6) alleges that two unidentified "USICE" Officers unlawfully tried t	7068		User Change
DhsComplaint	2011-06-09 15:37	Update	Component Referenced	ICE	7068		User Change
DhsComplaint	2011-06-09 15:37	Update	Days to Process	120	7068		User Change
DhsComplaintAction	2011-10-06 10:10	Update	Primary Assignment	(b)(6)	105110		User Change
DhsComplaintAction	2012-03-19 13:58	Create	Action	Closed - Referred/No Further Action	107233		User Change
DhsComplaintAction	2012-03-19 13:58	Create	Internal Summary	On February 8, 2011, CRCL received correspondence from (b)(6) concerning his treatment by U.S. Immigration and Customs Enforcement (ICE) officers at and around his residence in Chicago, Illinois. (b)(6) alleged that	107233		User Change

				ICE officers approached		(b)(6)	
DhsComplaintAction	2012-03-19 13:58	Create	Action Date	03/19/2012	107233		User Change
DhsComplaintAction	2012-03-19 13:58	Create	Reporting Summary	On February 8, 2011, CRCL received correspondence from (b)(6) concerning his treatment by U.S. Immigration and Customs Enforcement (ICE) officers at and around his residence in Chicago, Illinois. (b)(6) alleged that ICE officers approached	107233		User Change
DhsComplaintAction	2011-06-10 16:30	Create	Action Date	06/10/2011	105211		User Change
DhsComplaintAction	2011-06-10 16:30	Create	Action	Referred	105211		User Change
DhsComplaintAction	2011-06-10 16:30	Create	Document	CRCL Referred Assistance Form Complaint No. 11-05-ICE-0091.pdf	105211		User Change
DhsComplaintAction	2011-02-25 15:46	Create	Action	Open a Complaint	103711		User Change
DhsComplaintAction	2011-02-25 15:46	Create	Action Date	02/25/2011	103711		User Change
DhsComplaintAction	2011-06-02 14:16	Create	Comments	Short Form	105110		User Change
DhsComplaintAction	2011-06-02 14:16	Create	Primary Assignment	(b)(6)	105110		User Change
DhsComplaintAction	2011-06-02 14:16	Create	Action	Back from Officer	105110		User Change
DhsComplaintAction	2011-06-02 14:16	Create	Action Date	06/02/2011	105110		User Change
DhsComplaintAction	2011-06-02 14:15	Create	Action	Recommendation Review	105109		User Change
DhsComplaintAction	2011-06-02 14:15	Create	Action Date	06/02/2011	105109		User Change
DhsComplaintAction	2011-05-26 14:37	Create	Comments	Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it (b)(5)	105070		User Change

DhsComplaintAction	2011-05-26 14:37	Create	Action	Awaiting Recommendation	105070	(b)(6)	User Change
DhsComplaintAction	2011-05-26 14:37	Create	Action Date	05/26/2011	105070		User Change
DhsComplaintAction	2011-05-26 14:35	Create	Document	11-05-DHS-0091 (OIG Response 3.1.2011).pdf	105069		User Change
DhsComplaintAction	2011-05-26 14:35	Create	Action	IG Declines/Back from IG	105069		User Change
DhsComplaintAction	2011-05-26 14:35	Create	Action Date	05/26/2011	105069		User Change
DhsComplaintAction	2011-02-25 16:00	Create	Action	Sent to IG	103712		User Change
DhsComplaintAction	2011-02-25 16:00	Create	Action Date	02/25/2011	103712		User Change
DhsComplaintDocument	2011-02-25 15:57	Create	Document Type	Acknowledgement Letter	82564		User Change
DhsComplaintDocument	2011-02-25 15:57	Create	Foreign Language	No	82564		User Change
DhsComplaintDocument	2011-02-25 15:57	Create	Document 1	CRCL Complaint 11-05-USCIS-0091 Acknowledgment Letter (b)(6) 2 25 2011.pdf	82564		User Change
DhsComplaintDocument	2011-02-25 15:57	Create	Dateentered	02/25/2011	82564		User Change
DhsComplaintDocument	2011-02-25 15:54	Create	Document Type	Draft Response	82563		User Change
DhsComplaintDocument	2011-02-25 15:54	Create	Foreign Language	No	82563		User Change
DhsComplaintDocument	2011-02-25 15:54	Create	Document 1	Complaint Summary Form 11-05-USCIS-0091 (b)(6) pdf	82563		User Change
DhsComplaintDocument	2011-02-25 15:54	Create	Dateentered	02/25/2011	82563		User Change
DhsComplaintDocument	2011-08-30 17:32	Create	Document Type	Incoming Letter	84971		User Change
DhsComplaintDocument	2011-08-30 17:32	Create	Comments	Supplemental to complaint received 8/30/2011	84971		User Change
DhsComplaintDocument	2011-08-30 17:32	Create	Document 2	8 30 2011 (b)(6) env.pdf	84971		User Change
DhsComplaintDocument	2011-08-30 17:32	Create	Dateentered	08/30/2011	84971		User Change
	2011-						

DhsComplaintDocument	08-30 17:32	Create	Foreign Language	No	84971	(b)(6)	User Change
DhsComplaintDocument	2011- 08-30 17:32	Create	Document 1	8 30 2011 (b)(6) pdf	84971		User Change
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DhsComplaintDocument	2011- 06-10 16:33	Create	Dateentered	06/10/2011	84177		User Change
DhsComplaintDocument	2011- 06-10 16:33	Create	Foreign Language	No	84177		User Change
DhsComplaintDocument	2011- 06-10 16:33	Create	Document 1	CRCL Referral Letter Complaint No. 11-05- ICE-0091.pdf	84177		User Change
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DhsComplaintDocument	2011- 06-10 16:32	Create	Dateentered	06/10/2011	84176		User Change
DhsComplaintDocument	2011- 06-10 16:32	Create	Foreign Language	No	84176		User Change
DhsComplaintDocument	2011- 06-10 16:32	Create	Document 1	CRCL Referral Memo Complaint No. 11-05- ICE-0091.pdf	84176		User Change
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DhsComplaintDocument	2011- 02-16 15:42	Create	Foreign Language	No	82410		User Change
DhsComplaintDocument	2011- 02-16 15:42	Create	Document 1	2 8 2011 (b)(6) pdf	82410		User Change
DhsComplaintDocument	2011- 02-16 15:42	Create	Dateentered	02/16/2011	82410		User Change
DhsComplaintDocument	2012- 03-19 13:43	Create	Foreign Language	No	86347		User Change
DhsComplaintDocument	2012- 03-19 13:43	Create	Document 2	CRCL Complaint without Recommendation Closure Memo. 11- 05-ICE-0091.pdf	86347		User Change
DhsComplaintDocument	2012- 03-19 13:43	Create	Document Type	Closed Letter	86347		User Change
DhsComplaintDocument	2012- 03-19 13:43	Create	Document 1	CRCL Close Letter Complaint No. 11-05- ICE-0091.pdf	86347		User Change
DhsComplaintDocument	2012- 03-19 13:43	Create	Dateentered	03/19/2012	86347		User Change
DhsComplaintDocument	2012- 02-17	Create	Dateentered	02/17/2012	86179		User

	15:43					(b)(6)	Change
DhsComplaintDocument	2012-02-17 15:43	Create	Foreign Language	No	86179		User Change
DhsComplaintDocument	2012-02-17 15:43	Create	Document 1	Closing Report.pdf	86179		User Change
DhsComplaintDocument	2012-02-17 15:43	Create	Document Type	Investigative Material	86179		User Change
DhsComplaintDocument	2012-02-17 15:43	Create	Comments	ROI	86179		User Change
DhsComplaintIssue	2011-09-23 12:09	Update	Situation	287g	12532		User Change
DhsComplaintIssue	2011-02-16 15:44	Create	Primary Issue	Yes	12532		User Change
DhsComplaintIssue	2011-02-16 15:44	Create	(b)(5)	(b)(5)	12532		User Change
DhsComplaintIssue	2011-02-16 15:44	Create	Ongoing	No	12532		User Change
DhsComplaintIssue	2011-02-16 15:44	Create	Redirect to Subject	No	12532		User Change
DhsComplaintIssue	2011-02-16 15:44	Create	Incident Date	01/29/2011	12532		User Change
DhsComplaintPartiesInvolved	2011-02-16 15:43	Create	City	Chicago	20859		User Change
DhsComplaintPartiesInvolved	2011-02-16 15:43	Create	State	Illinois - IL	20859		User Change
DhsComplaintPartiesInvolved	2011-02-16 15:43	Create	First Name	(b)(6)	20859		User Change
DhsComplaintPartiesInvolved	2011-02-16 15:43	Create	Last Name	(b)(6)	20859		User Change
DhsComplaintPartiesInvolved	2011-02-16 15:43	Create	Address Line 1	(b)(6)	20859		User Change
DhsComplaintPartiesInvolved	2011-02-16 15:43	Create	Contact Type	Sender	20859		User Change
DhsComplaintPartiesInvolved	2011-02-16 15:43	Create	Zip Code	60649	20859		User Change

From: (b)(6)
To: (b)(6)
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 11-06-ICE-0170
Date: Wednesday, April 06, 2011 7:52:46 AM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@dhs.gov]
Sent: Monday, April 04, 2011 9:14 AM
To: (b)(6)
Cc: (b)(6)
Subject: CRCL Complaint Number 11-06-ICE-0170

(b)(6)

Summary of new complaint for your review:

On March 29, 2011, CRCL was cc'd email correspondence from (b)(6) of Council on American-Islamic Relations (CAIR), on behalf of (b)(6) a delivery person for a pizza restaurant in Meriden, Connecticut. Allegedly, on March 8, 2011, (b)(6) reported that he was pulled over on High Street in Meriden by two unmarked cars while enroute to deliver a pizza, then person's who identified themselves as DHS (ICE) agents aggressively questioned him, illegally searched his car and apartment, and never informed him of why he was being interrogated or fingerprinted. Allegedly, after the interrogation and driving (b)(6) outside the courthouse, the agents stated "You're lucky you're legal. We will release you," and drove him back to his car.

Thank you.

(b)(6)

Program Analyst
Compliance Branch
Office for Civil Rights & Civil Liberties

Department of Homeland Security

(202) 357-(b)(6) (phone)

(b)(6) [\(b\)\(6\)@dhs.gov">@dhs.gov](mailto:<span style=)

**DEPARTMENT OF HOMELAND SECURITY
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES**

COMPLAINT SUMMARY FORM

To be placed under the first left tab of the complaint folder

Complaint Number: 11-06-ICE-0170

Summary Prepared By:	(b)(6)	Date Prepared:	April 4, 2011
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Identifying Information

Complainant/ Individual's FN:	(b)(6)	MN:	LN:	(b)(6)
Individual's Alien number:				
Third Party's FN (Written By):	(b)(6)	Third Party's LN (Written By):	(b)(6)	
Third Party's Organization:	Council on American-Islamic Relations (CAIR)			
Source Name/ Office/Agency (e.g., other DHS component, government agency, or NGO referring the complaint to CRCL, not representing the complainant)				

If the Complaint file would be more appropriately labeled with a phrase other than an individual complainant's name, type that tagline/name here:

Special Category (check any that apply)

- | | |
|--|---|
| ☐ Sexual Abuse (PREA) | ☐ ICE 287(g) Program |
| ☐ Language Issues | ☐ ICE Secure Communities Program |
| ☐ Recipients of Federal Financial Assistance | ☐ DHS OIG Referral to CRCL |
| ☐ Medical Issues | ☐ CBP Referral to CRCL |
| ☐ Mental Health Issues | ☐ ICE Referral to CRCL |
| ☐ DHS Traveler Redress Inquiry Program (TRIP) | ☐ FPS Referral to CRCL |
| ☐ Deaths – Further Action | ☐ Other (please specify) |
| ☐ Deaths – No Further Action | |

Allegation

Received by DHS:	March 29, 2011	Received by CRCL:	March 29, 2011
Allegation Type:	Civil Right/Civil Liberty		

FOR OFFICIAL USE ONLY / LAW ENFORCEMENT SENSITIVE

February 2011

Incident Date: <i>(If this is a recurring incident or condition, list date range[s]):</i>	March 8, 2011	Time of Incident:	
Summary of Allegation(s):	On March 29, 2011, CRCL was cc'd email correspondence from Mr. (b)(6) of Council on American-Islamic Relations (CAIR), on behalf of Mr. (b)(6) a delivery person for a pizza restaurant in Meriden, Connecticut. Allegedly, on March 8, 2011, Mr. (b)(6) reported that he was pulled over on High Street in Meriden by two unmarked cars while enroute to deliver a pizza, then person's who identified themselves as DHS (ICE) agents aggressively questioned him, illegally searched his car and apartment, and never informed him of why he was being interrogated or fingerprinted. Allegedly, after the interrogation and driving Mr. (b)(6) outside the courthouse, the agents stated "You're lucky you're legal. We will release you," and drove him back to his car.		
Compliance Director's Recommendation:	COMMENTS: On [DATE], Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it be handled as a [referred, retained, short form] Complaint assigned to [NAME].		

Allegation Details

Primary Issue:	Due Processing/Administrative Processing	Primary Basis:	
Secondary Issue:		Secondary Basis:	

Select additional Secondary Issues and Secondary Bases if necessary. Add additional rows to the table above.

Categories from which to Select Allegation Issues and Bases

Allegation Issue Categories:

Abuse of Authority/Color of Law
Conditions of Detention
Discrimination
Due Processing/Administrative Processing
Profiling
Treatment
Unaccompanied Minors

Allegation Basis Categories:

Age
Citizenship (specify)
Color (specify whether dark, medium or light complexion)
Detainee
Disability (mental)
Disability (physical)
Harassment
Inappropriate touching
Limited English Proficiency
National Origin (specify)
Non-Detainee
Race (specify race)
Racial Harassment
Referral to secondary
Religion (specify religion)
Retaliation
Rude, unprofessional conduct

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February 2011

Sex (specify whether male or female)

Sexual Harassment

Ethnicity (specify ethnicity. "Hispanic/Latino" is a selection in this category.)

Other (please specify)

[If the complaint involves an Unaccompanied Minor as a complainant/victim, the Primary Issues is Unaccompanied Minors.]

Involved Parties

Component Selection List: DHS HQ, DHS, CBP, FEMA, FLETC, ICE, TSA, USCG, USCIS, USSS

Component(s) Referenced (If complaint involves multiple components, list DHS):	ICE
Component(s) Involved (list all that apply, based on the above checklist):	ICE
Individual(s) (list name, title/position, and employment location. State if the individual is a subject of the complaint.):	1.

Location(s) of Incident(s)

Incident Location Type (check all that apply):

- | | |
|--|---|
| ☐ Airport | ☒ Street Stop |
| ☐ Airplane | ☐ Place of Business |
| ☐ BCIS Facility | ☐ Residence |
| ☐ Border and Fixed Checkpoint | ☐ Detention IGSA |
| ☐ Government Building | ☐ Detention SPC |
| ☐ Seaport | ☐ Detention CDF |
| ☐ Ship | ☐ Other (please specify) |

Incident Location (list name of airport or port of entry or other location):			
City:	Meriden	State:	Connecticut

If this complaint involves more than one incident location, list each location separately.

If the alleged incident occurred outside the U.S., identify the city and county where it occurred.

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February 2011

Notes

Notes:	
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DRAFT

FOR OFFICIAL USE ONLY / LAW ENFORCEMENT SENSITIVE

February 2011

From: (b)(6)
To:
Cc: ccrl@dhs.gov; (b)(6)
Subject: Report of DHS Violation of Conn. Muslim's Constitutional Rights
Date: Wednesday, March 30, 2011 1:04:04 PM
Attachments: Letter to DHS about (b)(6).doc

(b)(6)

Assistant Attorney General
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

March 30, 2011

Dear (b)(6)

Subject: Report of DHS Violation of Conn. Muslim's Constitutional Rights

Non Responsive

I would like to bring to your attention a disturbing incident that was reported to CAIR. In the spirit of jointly tackling some of the challenges we face, I hope you might help us answer some questions that were raised as a result of this incident and explain the circumstances in which it occurred.

On March 8, 2011, (b)(6) a delivery person for a pizza restaurant in Meriden, Conn., reported that he was pulled over on High Street in Meriden by two unmarked cars while enroute to deliver a pizza.

After quickly flashing badges, the three men asked him to hand over his gun and step out of the car. They immediately handcuffed (b)(6) and placed him in the back seat of one of their cars.

(b)(6) informed them that he has never owned or carried a gun. After searching him and emptying his pockets of all contents, the "agents" proceeded to question him aggressively about his identity, his immigration status, his roommates, and his associations with other people.

During this time, (b)(6) informed the "agents" that he has a lawyer and he would like to call her but the "agents" replied, "Wait, we will search first." They continued questioning Mr. (b)(6) about his former roommates' names and their current whereabouts. The "agents" searched his car without his consent and never provided a search warrant.

At no point did these men inform (b)(6) that he was under arrest or explain why all this was happening to him.

The "agents" drove him to the courthouse where they parked their cars along Butler Street. They finger printed him and continued their interrogation without ever taking him into the

courthouse or informing him that he was under arrest.

At this time, they presented a file that contained a photograph of one of (b)(6) former roommates. Our client, (b)(6) informed them that the ex-roommate, (b)(6) left the United States five years ago and that he has not seen him since that time.

The “agents” informed (b)(6) “You’re lucky you’re legal. We will release you,” and drove him back to his car. They also informed (b)(6) that earlier in the day they had visited his landlord who let them into his apartment, which they then searched. Again, at no point did they present (b)(6) or his landlord with a search warrant allowing them access to his apartment.

The “agents” then apologized to (b)(6) and informed him that they are with “Homeland Security.”

Based on the information provided above, I respectfully request that your office begin an immediate civil rights investigation to determine the following:

1. Whether the individuals who detained (b)(6) acted on behalf of The Department of Homeland Security.
2. Why the “agents” in question did not identify themselves properly.
3. Why (b)(6) was handcuffed and detained without a warrant.
4. Why (b)(6) was denied the right to an attorney even after he requested legal representation.
5. Why (b)(6) apartment and car were searched without a warrant.
6. Why (b)(6) was driven to a courthouse but not taken inside.

If you have questions about this case, I may be reached at...

(b)(6) Executive Director
Council on American-Islamic Relations
Connecticut Chapter
57 Pratt St., Suite (b)(6)
Hartford, CT 06103

Office: 860-442-CAIR (2247)
Cell: 860-(b)(6)
Email: (b)(6)@cair.com

Thank you for your attention to this important matter.

Sincerely,

(b)(6)
Executive Director
Council on American-Islamic Relations
Connecticut Chapter
57 Pratt Street, Suite (b)(6)
Hartford, CT 06103

Cell Phone (860) (b)(6)
Tel (860) 442-CAIR(2247) Fax (860) 727-8679
Email (b)(6)@CAIR.com

CAIR, America's largest Islamic civil liberties and advocacy group, has over 30 offices and chapters in the U.S.A and Canada. Its mission is to enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding.



Homeland
Security

April 4, 2011

Via Electronic Mail

(b)(6)
(b)(6)@CAIR.com

Re: Complaint No. 11-06-ICE-0170 (b)(6)

Dear (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on March 29, 2011. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by this Office. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL will contact you with the anticipated course of investigation for your complaint and will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at crcl@dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, see our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to www.dhs.gov/CRCL. To learn more about the Privacy Act, go to the Federal Information Center, www.pueblo.gsa.gov.



Homeland
Security

September 26, 2012

(b)(6)
Executive Director
Council on American-Islamic Relations
Connecticut Chapter
57 Pratt Street, Suite (b)(6)
Hartford, CT 06103

Re: Complaint No. 11-06-ICE-0170

Dear (b)(6)

This letter is a follow-up to the complaint you submitted to the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) on March 29, 2011, regarding DHS operations in Meriden, Connecticut, related to (b)(6). Specifically, your complaint alleged that on March 8, 2011, (b)(6) was pulled over by two unmarked U.S. Immigrations and Customs Enforcement (ICE) vehicles. Subsequently, ICE officers allegedly handcuffed (b)(6), placed him in the back of their vehicle, and aggressively questioned him about his immigration status, identity, and associations with other people. In addition, ICE allegedly searched (b)(6) car without consent, and drove him to the parking lot of a nearby courthouse where they fingerprinted him and continued to question him. During this incident, ICE officers allegedly failed to identify themselves appropriately, and denied (b)(6) requests to contact an attorney. Your complaint further alleged that, prior to this incident, ICE searched (b)(6) apartment without obtaining his consent and without a warrant.

In a letter sent to you on June 3, 2011, CRCL informed you that, pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, we had determined that the matters raised by your complaint would be reviewed by ICE, a component of DHS, which would report its findings to this Office. ICE investigated these allegations and forwarded its Report of Investigation (ROI) to CRCL. As part of its investigation, ICE interviewed witnesses and reviewed documents and information related to the incident. The ICE ROI concluded that the evidence gathered did not substantiate the allegations regarding the unlawful search of the apartment and vehicle, inappropriate conduct by ICE officers, unlawful traffic stop, and unlawful detention of (b)(6). CRCL has determined that it will take no further action on these allegations. Nevertheless, CRCL has a separate investigation open that is examining ICE's policies regarding officers obtaining consent to conduct a search. As we complete the other investigation, we will take account of this incident and incorporate information about it as appropriate when we formulate our report and recommendations to ICE about any issues we find in that investigation.

Accordingly, based on our review of the facts and circumstances presented in this matter, we have concluded that your concerns have been addressed and we are closing your complaint.

We appreciate your bringing these matters to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
REFERRED COMPLAINT ASSISTANCE FORM

REFERRED COMPLAINT ASSISTANCE	
Assigned To:	U.S. Immigration and Customs Enforcement
Requested From:	DHS Headquarters Office for Civil Rights and Civil Liberties (CRCL)
POC:	(b)(6) Senior Policy Advisor, 202-357-7766, s.gov
Date Referred to CBP:	June 3, 2011
Deadline to CRCL:	Within 180 days of the date on the attached memo.
CRCL Complaint No:	11-06-ICE-0170, (b)(6)
SYNOPSIS	
On March 29, 2011, CRCL received a complaint from (b)(6) of the Council on American-Islamic Relations on behalf of (b)(6). Mr. (b)(6) alleges that Mr. (b)(6) was stopped and detained by ICE agents during a traffic stop on High Street in Meriden, Connecticut, on March 8, 2011. Mr. (b)(6) further alleges that Mr. (b)(6) was handcuffed, searched, and held outside a courthouse, where he was fingerprinted. His car was also searched without his consent. At different points while he was in custody, Mr. (b)(6) was questioned about his identity, immigration status, roommates, and associations with other people. In addition, Mr. (b)(6) alleges that at one point, Mr. (b)(6) asked to contact his attorney, but the agents told him to wait and kept questioning him. The agents also showed Mr. (b)(6) a file that contained a photo of one of Mr. (b)(6) former roommates, (b)(6). Mr. (b)(6) also alleges that the agents informed Mr. (b)(6) that agents had visited his apartment earlier in the day, and his landlord let the agents into the apartment, which they then searched. At no point did the agents tell Mr. (b)(6) that he was under arrest or show him a warrant or other paperwork that authorized his detention, the search of his car, or the search of his apartment.	
ISSUES/ALLEGATIONS	
Issues/Allegations to be addressed in ICE's Fact Finding Report/ROI submitted to DHS CRCL:	• (b)(5), (b)(6) • • • • • • • •

*Protected by Attorney-Client and Deliberative Process Privileges
Law Enforcement Sensitive*



Homeland
Security

OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
REFERRED COMPLAINT ASSISTANCE FORM

	• (b)(5),(b)(6)
Additional Instructions and Documents to Review:	•

*Protected by Attorney-Client and Deliberative Process Privileges
Law Enforcement Sensitive*



Homeland
Security

June 3, 2011

(b)(6) Executive Director
Council on American-Islamic Relations
Connecticut Chapter
57 Pratt Street, (b)(6)
Hartford, CT 06103

Re: Complaint No. 11-06-ICE-0170, (b)(6)

Dear Mr. (b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) received information from you on March 29, 2011, concerning the treatment of (b)(6) by employees of U.S. Immigration and Customs Enforcement (ICE) during the traffic stop and subsequent detention of Mr. (b)(6) in Meriden, Connecticut, on March 8, 2011.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against Department of Homeland Security (DHS) employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion.

CRCL takes allegations of violations of civil rights and civil liberties very seriously. We have determined that your allegations should be investigated by ICE, a component of DHS, which will report its findings to CRCL. ICE will conduct an investigation of one or more of the concerns that you have raised, specifically those related to the alleged stop and questioning of Mr. (b)(6). Additionally the allegations regarding searches by ICE of Mr. (b)(6) car and apartment will be examined.

We will review ICE's findings and assess compliance with civil rights requirements in these areas. The purpose of this process is to determine if your allegations raise issues that should and can be addressed by the management of DHS.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on behalf of Mr. (b)(6). Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe Mr. (b)(6) rights have been violated, you may wish to advise him to consult an attorney. There may be time limitations that govern how quickly he needs to act to protect his interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If

you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

ICE or CRCL will contact you if additional information is needed or to report on the Department's review of this matter. If you have any questions concerning this referral, you may contact CRCL by phone at 866-644-8360, 866-644-8361 (TTY), or by email at crcl@dhs.gov. When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

We thank you for your complaint; inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how the Department concluded this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



Homeland
Security

June 3, 2011

MEMORANDUM FOR:

(b)(6), (b)(7)(C)

Deputy Division Director, Investigative Support Unit
Office of Professional Responsibility
U.S. Immigration and Customs Enforcement

Peter S. Vincent
Principal Legal Advisor
U.S. Immigration and Customs Enforcement

FROM:

Jeffrey S. Blumberg 
Director, Compliance Branch
Office for Civil Rights and Civil Liberties

(b)(6)

Attorney Advisor
Office of General Counsel

SUBJECT:

Complaint No. 11-06-ICE-0170

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that U.S. Immigration and Customs Enforcement (ICE) has violated an individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and to inform you that we are referring this complaint to ICE for investigation. We request that the appropriate office within your component complete an inquiry into the enclosed complaint within 180 days of the date of this referral. Please see the attached Referred Complaint Assistance Form for guidance regarding this inquiry.

CRCL authorities. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in Department of Homeland Security (DHS) Management Directive 3500. We have received information concerning the above listed complaint that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

Protected by Attorney-Client and Deliberative Process Privileges

Access to information. More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require[e] cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

Reprisals forbidden. In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

Privilege and required transparency. Our communications with ICE personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.”

When the inquiry is complete, please contact CRCL with your component’s findings and recommendations. CRCL will review the matter in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed this complaint, and will provide you with any recommendations resulting from this complaint.

If you have any questions concerning this referral, please do not hesitate to contact Senior Policy Advisor (b)(6) by phone at 202-357-(b)(6) 866-644-8360 (TTY), or by email at (b)(6)@dhs.gov.

Copies to:

(b)(6),(b)(7)(C)
Regional Operations Manager, Investigative Support Unit
Office of Professional Responsibility
U.S. Immigration and Customs Enforcement
(b)(6),(b)(7)(C)@dhs.gov

Protected by Attorney-Client and Deliberative Process Privileges

(b)(6),(b)(7)(C)

Office of Professional Responsibility
U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C) @dhs.gov

Enclosures

Protected by Attorney-Client and Deliberative Process Privileges

(b)(6)

From: Blumberg, Jeffrey
Sent: Friday, April 22, 2011 5:21 PM
To: (b)(6)
Cc:
Subject: Re: Complaint Inquiry

Let's discuss on Monday. I have had some discussion with the Criminal Chief in that office on this one.

Thanks and have a good weekend.

Jeff

From: (b)(6)
Sent: Friday, April 22, 2011 10:02 AM
To: Blumberg, Jeffrey; (b)(6)
Cc: (b)(6)
Subject: FW: Complaint Inquiry

Hi Jeff and (b)(6)

What is the protocol on an email like the one below? Can I just call the guy? Is there some formal way for the office to respond?

(b)(5)

Please advise, and I'll follow up however you indicate.

(b)(6)

From: CRCL
Sent: Friday, April 22, 2011 9:45 AM
To: (b)(6)
Cc:
Subject: FW: Complaint Inquiry

Hello (b)(6)

The following correspondence is in reference to Complaint # 11-06-ICE-0170, which according to Entellitrak, is assigned to you. I will save the below correspondence and upload it to Entellitrak.

Thank you

(b)(6)
Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357-(b)(6) phone)

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-ICE-11-0519 11-06-ICE-0170 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-03-30 12:03	Create	Entry Date	03/30/2011	7287	(b)(6)	User Change
DhsComplaint	2011-03-30 12:03	Create	Method of Receipt	Email	7287		User Change
DhsComplaint	2011-03-30 12:03	Create	Sender Type	NGO/Organization	7287		User Change
DhsComplaint	2011-03-30 12:03	Create	Date on Correspondence	03/29/2011	7287		User Change
DhsComplaint	2011-03-30 12:03	Create	Date to DHS	03/29/2011	7287		User Change
DhsComplaint	2011-03-30 12:03	Create	Date to CRCL	03/29/2011	7287		User Change
DhsComplaint	2011-03-30 12:03	Create	Days to Process	1	7287		User Change
DhsComplaint	2011-03-30 12:03	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7287		User Change
DhsComplaint	2011-03-30 12:03	Create	Executive Summary	On March 29, 2011, CRCL was cc'd email correspondence from Mr. (b)(6) of Council on American-Islamic Relations (CAIR), on behalf of Mr. (b)(6) a delivery person for a pizza restaurant in Meriden, Connecticut. Allegedly, on March 8, 2011,	7287		User Change
DhsComplaint	2011-03-30 12:03	Create	Summary	On March 29, 2011, CRCL was cc'd email correspondence from Mr. (b)(6) of Council on American-Islamic Relations (CAIR), on behalf of Mr. (b)(6) a delivery person for a pizza restaurant in Meriden, Connecticut. Allegedly, on March 8, 2011,	7287		User Change
DhsComplaint	2011-03-30 12:03	Create	Component Referenced	DHS	7287	(b)(6)	User Change
DhsComplaint	2011-04-04	Update	Days to Process	6	7287		User Change

	09:12						
DhsComplaint	2011-04-04 09:12	Update	Component Referenced	ICE	7287	(b)(6)	User Change
DhsComplaint	2011-04-04 09:12	Update	Summary	On March 29, 2011, CRCL was cc'd email correspondence from Mr. (b)(6) of Council on American-Islamic Relations (CAIR), on behalf of Mr. (b)(6) a delivery person for a pizza restaurant in Meriden, Connecticut. Allegedly, on March 8, 2011,	7287		User Change
DhsComplaintAction	2011-04-04 09:13	Create	Action	Open a Complaint	104356		User Change
DhsComplaintAction	2011-04-04 09:13	Create	Action Date	04/04/2011	104356		User Change
DhsComplaintAction	2011-04-04 09:14	Create	Action	Sent to IG	104357		User Change
DhsComplaintAction	2011-04-04 09:14	Create	Action Date	04/04/2011	104357		User Change
DhsComplaintAction	2011-04-04 09:40	Create	Action	Acknowledgement Letter Sent	104358		User Change
DhsComplaintAction	2011-04-04 09:40	Create	Document	3.29.2011 11-06-ICE-0170 (email).pdf	104358		User Change
DhsComplaintAction	2011-04-04 09:40	Create	Action Date	04/04/2011	104358		User Change
DhsComplaintAction	2011-04-06 11:53	Delete			104358		User Change
DhsComplaintAction	2011-04-06 11:53	Create	Action Date	04/06/2011	104404		User Change
DhsComplaintAction	2011-04-06 11:53	Create	Action	IG Declines/Back from IG	104404		User Change
DhsComplaintAction	2011-04-06 11:53	Create	Document	11-06-ICE-0170 (OIG Response 4.6.2011).pdf	104404		User Change
DhsComplaintAction	2011-04-06 11:53	Create	Action Date	04/06/2011	104405		User Change
DhsComplaintAction	2011-04-06 11:53	Create	Action	Awaiting Recommendation	104405		User Change
DhsComplaintAction	2011-04-12 11:45	Create	Action Date	04/12/2011	104438		User Change
DhsComplaintAction	2011-04-12	Create	Action	Recommendation Review	104438		User Change

	11:45						
DhsComplaintAction	2011-04-12 11:45	Create	Primary Assignment	(b)(6)	104439	(b)(6)	User Change
DhsComplaintAction	2011-04-12 11:45	Create	Action Date	04/12/2011	104439		User Change
DhsComplaintAction	2011-04-12 11:45	Create	Action	Back from Officer	104439		User Change
DhsComplaintAction	2011-04-12 11:45	Create	Comments	short form	104439		User Change
DhsComplaintAction	2011-05-11 17:48	Create	Action	Notes	104944		User Change
DhsComplaintAction	2011-05-11 17:48	Create	Action Date	05/11/2011	104944		User Change
DhsComplaintAction	2011-05-11 17:48	Create	Comments	(b)(5)	104944		User Change
DhsComplaintAction	2011-06-03 13:53	Create	Document	CRCL Referral Assistance Form Complaint No. 11-06-ICE-0170.pdf	105140		User Change
DhsComplaintAction	2011-06-03 13:53	Create	Action Date	06/03/2011	105140		User Change
DhsComplaintAction	2011-06-03 13:53	Create	Action	Referred	105140		User Change
DhsComplaintAction	2012-09-26 16:56	Create	Action Date	09/26/2012	108430		User Change
DhsComplaintAction	2012-09-26 16:56	Create	Document	CRCL 11-06-ICE-0170 Close Letter.pdf	108430		User Change
DhsComplaintAction	2012-09-26 16:56	Create	Action	Closed - Referred/No Further Action	108430		User Change
DhsComplaintAction	2012-09-26 16:56	Create	Internal Summary	On March 29, 2011, CRCL received a complaint from (b)(6) (b)(6) Executive Director of the Connecticut Chapter of the Council on American-Islamic Relations, regarding DHS operations in Meriden, Connecticut, related to (b)(6) (b)(6) The complaint alleg	108430		User Change
				On March 29, 2011, CRCL received a complaint from an advocacy group regarding DHS			

DhsComplaintAction	2012-09-26 16:56	Create	Reporting Summary	operations in Meriden, Connecticut, related to the complainant. The complaint alleged that the complainant was pulled over by two unmarked ICE vehicles. Subsequently, ICE	108430	(b)(6)	User Change
DhsComplaintDocument	2012-05-16 10:14	Create	Document 1	AIR closing report.out	86699	(b)(6)	User Change
DhsComplaintDocument	2012-05-16 10:14	Create	Document 2	Exhibit__Portfolio.pdf	86699	(b)(6)	User Change
DhsComplaintDocument	2012-05-16 10:14	Create	Foreign Language	No	86699	(b)(6)	User Change
DhsComplaintDocument	2012-05-16 10:14	Create	Dateentered	05/16/2012	86699	(b)(6)	User Change
DhsComplaintDocument	2012-05-16 10:14	Create	Document Type	ROI	86699	(b)(6)	User Change
DhsComplaintDocument	2012-09-26 16:50	Create	Document 1	CRCL 11-06-ICE-0170 Close Letter.pdf	87964	(b)(6)	User Change
DhsComplaintDocument	2012-09-26 16:50	Create	Foreign Language	No	87964	(b)(6)	User Change
DhsComplaintDocument	2012-09-26 16:50	Create	Dateentered	09/26/2012	87964	(b)(6)	User Change
DhsComplaintDocument	2012-09-26 16:50	Create	Document Type	Closed Letter	87964	(b)(6)	User Change
DhsComplaintDocument	2011-06-03 13:50	Create	Dateentered	06/03/2011	84085	(b)(6)	User Change
DhsComplaintDocument	2011-06-03 13:50	Create	Document 1	CRCL Referral Letter Complaint No. 11-06-ICE-0170.pdf	84085	(b)(6)	User Change
DhsComplaintDocument	2011-06-03 13:50	Create	Document Type	Referral Letter	84085	(b)(6)	User Change
DhsComplaintDocument	2011-06-03 13:50	Create	Foreign Language	No	84085	(b)(6)	User Change
DhsComplaintDocument	2011-06-03 13:50	Create	Dateentered	06/03/2011	84086	(b)(6)	User Change
DhsComplaintDocument	2011-06-03 13:50	Create	Document 1	CRCL Referral Memo Complaint No. 11-06-ICE-0170.pdf	84086	(b)(6)	User Change
DhsComplaintDocument	2011-06-03 13:50	Create	Document Type	Referral Memo	84086	(b)(6)	User Change
DhsComplaintDocument	2011-06-03 13:50	Create	Foreign Language	No	84086	(b)(6)	User Change
DhsComplaintDocument	2011-04-22	Create	Document Type	Incoming Letter	83468	(b)(6)	User

	09:47					(b)(6)	Change
DhsComplaintDocument	2011-04-22 09:47	Create	Document 1	4 21 2011 (b)(6) Attorney Office email (11-06-ICE-0170).pdf	83468		User Change
DhsComplaintDocument	2011-04-22 09:47	Create	Dateentered	04/22/2011	83468		User Change
DhsComplaintDocument	2011-04-22 09:47	Create	Foreign Language	No	83468		User Change
DhsComplaintDocument	2011-04-22 09:47	Update	Document Type	Miscellaneous Material/Other	83468		User Change
DhsComplaintDocument	2011-04-25 13:28	Update	Document 2	3 30 2011 (b)(6) CAIR email to DOJ.pdf	83103		User Change
DhsComplaintDocument	2011-05-11 15:50	Update	Document 2	(b)(6) 11-06-ICE-0170, Email from CT USAO 4-22-11.pdf	83468		User Change
DhsComplaintDocument	2011-04-06 11:54	Create	Document Type	Acknowledgement Letter	83273		User Change
DhsComplaintDocument	2011-04-06 11:54	Create	Foreign Language	No	83273		User Change
DhsComplaintDocument	2011-04-06 11:54	Create	Document 1	3.29.2011 11-06-ICE-0170 (email).pdf	83273		User Change
DhsComplaintDocument	2011-04-06 11:54	Create	Dateentered	04/06/2011	83273		User Change
DhsComplaintDocument	2011-04-01 11:11	Create	Dateentered	04/01/2011	83163		User Change
DhsComplaintDocument	2011-04-01 11:11	Create	Foreign Language	No	83163		User Change
DhsComplaintDocument	2011-04-01 11:11	Create	Document 1	3 29 2011 (b)(6) (via CAIR)_DOJ email to CRCL.pdf	83163		User Change
DhsComplaintDocument	2011-04-01 11:11	Create	Document Type	Incoming Letter	83163		User Change
DhsComplaintDocument	2011-04-01 11:11	Create	Comments	DOJ Civil Rights Division email forwarding to CRCL the 3/29/2011 email DOJ received from CAIR on behalf of (b)(6)	83163		User Change
DhsComplaintDocument	2011-04-04 15:25	Create	Dateentered	04/04/2011	83216		User Change
DhsComplaintDocument	2011-04-04 15:25	Create	Foreign Language	No	83216		User Change
DhsComplaintDocument	2011-04-04 15:25	Create	Document 1	4 1 2011 (b)(6) CRCL-DOJ email exchange (including USAO Dist of CT).pdf	83216		User Change

DhsComplaintDocument	2011-04-04 15:25	Create	Document Type	Miscellaneous Material/Other	83216	(b)(6)	User Change
DhsComplaintDocument	2011-04-04 15:25	Create	Comments	(b)(5),(b)(6)	83216		User Change
DhsComplaintDocument	2011-04-04 16:02	Create	Dateentered	04/04/2011	83225		User Change
DhsComplaintDocument	2011-04-04 16:02	Create	Foreign Language	No	83225		User Change
DhsComplaintDocument	2011-04-04 16:02	Create	Document 1	11-06-ICE-0170 Complaint Summary Form.docx	83225		User Change
DhsComplaintDocument	2011-04-04 16:02	Create	Document Type	Miscellaneous Material/Other	83225		User Change
DhsComplaintDocument	2011-04-05 16:29	Create	Dateentered	04/05/2011	83250		User Change
DhsComplaintDocument	2011-04-05 16:29	Create	Foreign Language	No	83250		User Change
DhsComplaintDocument	2011-04-05 16:29	Create	Document 1	(b)(6) Encounters Record A098-372-615.pdf	83250		User Change
DhsComplaintDocument	2011-04-05 16:29	Create	Document Type	Miscellaneous Material/Other	83250		User Change
DhsComplaintDocument	2011-03-30 12:05	Create	Dateentered	03/30/2011	83103		User Change
DhsComplaintDocument	2011-03-30 12:05	Create	Foreign Language	No	83103		User Change
DhsComplaintDocument	2011-03-30 12:05	Create	Document 1	3 29 2011 (b)(6).pdf	83103		User Change
DhsComplaintDocument	2011-03-30 12:05	Create	Document Type	Incoming Letter	83103		User Change
DhsComplaintIssue	2011-03-30 12:08	Create	Redirect to Subject	No	12662		User Change
DhsComplaintIssue	2011-03-30 12:08	Create	(b)(5)	(b)(5)	12662		User Change
DhsComplaintIssue	2011-03-30 12:08	Create	Ongoing	No	12662		User Change

DhsComplaintIssue	2011-03-30 12:08	Create	City	Meriden	12662	(b)(6)	User Change
DhsComplaintIssue	2011-03-30 12:08	Create	State	Connecticut - CT	12662		User Change
DhsComplaintIssue	2011-03-30 12:08	Create	Incident Date	03/08/2011	12662		User Change
DhsComplaintIssue	2011-03-30 12:08	Create	Primary Issue	Yes	12662		User Change
DhsComplaintIssue	2011-09-23 12:02	Update	Situation	DHS law enforcement activity	12662		User Change
DhsComplaintIssue	2011-09-23 12:02	Update	(b)(5)	(b)(5)	12662		User Change
DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	City	Hartford	21187		User Change
DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	Alt Phone	860 (b)(6)	21187		User Change
DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	State	Connecticut - CT	21187		User Change
DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	Prefix	Mr	21187		User Change
DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	Address Line 1	(b)(6)	21187		User Change
DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	Contact Type	Sender	21187		User Change
DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	Other Organization	Council on American-Islamic Relations	21187		User Change
DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	Phone	860 (b)(6)	21187		User Change
DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	Last Name	(b)(6)	21187		User Change
DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	Email	(b)(6)@CAIR.com	21187		User Change
DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	First Name	(b)(6)	21187		User Change
DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	Zip Code	06103	21187		User Change
DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	Organization	Other	21187		User Change
DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	Prefix	Mr	21188		User Change

DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	Contact Type	On Behalf Of	21188	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	Last Name	(b)(6)	21188		User Change
DhsComplaintPartiesInvolved	2011-03-30 12:07	Create	First Name	(b)(6)	21188		User Change

From: (b)(6)
To: (b)(6)
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 11-06-ICE-0194
Date: Monday, April 25, 2011 2:55:44 PM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@dhs.gov]
Sent: Monday, April 18, 2011 6:15 PM
To: (b)(6)
Cc: (b)(6)
Subject: CRCL Complaint Number 11-06-ICE-0194

(b)(6)

Summary of new complaint for your review:

On March 31, 2011, DHS Exec Sec received correspondence from Congressman Dale Kildee on behalf of constituent (b)(6) referring complaint written by Ms. (b)(6) Mrs. (b)(6) also directly emailed her correspondence to CRCL on March 24, 2011 and faxed her correspondence to CRCL on March 31, 2011.

Allegedly, on March 24, 2011 at approximately 8:15 am, ICE agents visited her daughter's home stating that Mrs. (b)(6) husband was guilty of trafficking child pornography contraband, then the agents visited Ms. (b)(6) and searched computers belonging to her and her husband. Mrs. (b)(6) states that the agents did not find any contraband and request that the ICE agents apologize to her husband and daughter (unnamed in the correspondence). In a Privacy Release Form, dated April 6, 2011, that Ms. (b)(6) provided to Congressman Kildee to authorize him to release information to DHS regarding her complaint, Ms. (b)(6) states that ICE agents had no search warrant, no evidence of wrongdoing, and no reasonable suspicion for those searches.

Thank you.

(b)(6)

Policy Advisor

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

202-357-(b)(6)

(b)(6)@hq.dhs.gov

(b)(6)

From: (b)(6) (b)(6)
Sent: Thursday, March 24, 2011 5:29 PM
To: CRCL
Subject: complaint agasint Michigan Homeland Security ICE agents

Categories: Printed



Department of Homeland Security (DHS)
Office for Civil Rights and Civil Liberties

Civil Rights Complaint

Fillable Version (last modified 12/13/2010)

CRCL Mission:

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin, religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see www.dhs.gov/eeo.)
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women's Act confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

Notes on Confidentiality and Anonymity:

- A) You may remain anonymous by not filling in your name, below. However, CRCL may not be able to investigate your complaint unless you provide enough information to conduct an investigation.
- B) Disclosure of the information you provide, including your identity, is on a "need-to-know" basis, and is discussed in the Privacy Statement at the end of this document. IF YOU CHECK THE BOX BELOW, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct). Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.
- ☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.
- C) Reprisal against complainants to CRCL is unlawful; if you feel you have been a victim of reprisal, CALL US, 1-866-644-8360.

Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① Information about the person who experienced the civil rights/civil liberties violation

Facility name

Facility address

☐ Check here if you are represented by an attorney in this matter, if so please provide the attorney's name and contact information _____

- ② Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.

Name: (b)(6) _____
First Last Job title

Organization (if any): _____

Phone #: Cell: _____ Home: _____ Work: _____

Mailing Address: (b)(6) Millington, MI 48746
PO Box or Street address City State Zip

- ③ What happened? Describe your complaint. Give as much detail about your experience as possible.

agents from Michigan's Homeland Security office wasted our time this morning, cost my husband a day of work, searched our computer for "contraband" - which after they'd already been here an hour we learn is child pornography. They found NOTHING, no surprises there, nothing to find, no laws broken, however that did not stop them from first going to my daughter's home, scaring her to death and putting her into a breakdown. They told her my husband was guilty - not suspected, not accused, not being investigated - GUILTY of trafficking in child internet pornography. Further they informed her that our grandson can have no contact with my husband, that the child can no longer get off the bus at our home, that they would be reporting the child's contact with my husband to the local school district and to child protective services. Homeland Security has no case against us, we have NEVER dealt in child pornography, they have no right to threaten my daughter and had NO right whatsoever to go to her home and inform her that my husband was guilty of a crime they had not even investigated yet. They had no right to threaten her with child protective services investigation, no right to contact the local school district. Homeland Security is guilty of slander, intimidation, coercion, and deformation of character. i have filed a complaint with the ACLU, my congressmen, senators, attorney general and the white house. I will keep complaining until my daughter and my husband both receive apologies. These agents had no right to go to my daughter's home and spread lies, no right to scare my grandson, no right to threaten my rights as a grandparent nor my husbands. I have called the published number for the Detroit office only to reach the private cell phone belonging to another agent who first hung up on me, then laughed at my complaint during my second call, now will not answer my calls and did not bother to have "someone" call me back. This is the most unprofessional branch of government in existence. I am still mortified that it required 4 agents and 2 vehicles to question my husband and myself, what a total WASTE of tax payer dollars and to imply that this has something to do with identify theft and how i should check our credit cards and credit score... well i did and obviously it's not identify theft and obviously the agents had no idea what they were looking for nor did they have any respect for private citizens or their rights or due process or civil rights. I am furious that these men believe they can threaten

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

03/24/2011 this morning about 8:15am when we returned from having blood drawn for upcoming doctor's appointment. i have no idea if this is "ongoing" since they failed to find any evidence against us and i have no idea when it began, however my complaint is just starting.

Where did this happen?

Place *(for example, name the detention facility, airport, other)*: at MY private residence, (b)(6)
City: Millington State or Country: MI 48746

④ Who treated you unfairly?

An employee, contractor, or officer of *(check as many as apply)*:

- | | |
|---|---|
| ☐ Citizenship and Immigration Services (USCIS) | ☐ Other DHS program <i>(specify)</i> : _____ |
| ☐ Customs and Border Protection (CBP)* | |
| ☐ Customs Officer | ☐ Not sure which DHS office |
| ☐ Border Patrol Agent | ☐ Non-DHS employee working under the authority |
| ☐ Federal Emergency Management Agency (FEMA) | of DHS (e.g., 287g officer) |
| ☒ Immigration and Customs Enforcement (ICE) | specify: _____ |
| ☐ Secret Service (USSS) | |
| ☐ Transportation Security Administration (TSA)* | |
| ☐ U.S. Coast Guard (USCG) | |

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): _____

Mailing Address: _____
PO Box or Street address City State or Country Zip

Phone No.: _____ Email: _____

Names (or other information, e.g., agency): _____

Mailing Address: _____
PO Box or Street address City State or Country Zip

Phone No.: _____ Email: _____

Continue on an additional page, if needed.

⑥ Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?

☒ Yes: Agency/Office/Court Michigan State Police, but they do not care and refused to send an officer. Date: 03/24/2011

☐ No

If so, has anyone responded to your complaint?

☐ Yes ☒ No

If Yes, describe what has been done to respond to your complaint:

Continue on an additional page, if needed.

⑦ Is there any other information you want us to know about or consider?

My grandson is 5 years old, he did not need to be awoken by Homeland Security agents pounding on the door of his home. His home was not being investigated. He is a child and Homeland Security has no right to say he can not visit his grandparents home. They have no right to terrify him or threaten his mother to the point where she is now pulling him out of the public schools. Homeland Security is depriving my grandson of an education with their unlawful threats and inappropriate behavior.

Continue on an additional page, if needed.

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.
-

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: CRCL@dhs.gov

Phone: Local: 202-401-1474 or

Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470

Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security

CRCL/Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to CRCL@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the **types** of complaints, and **do not include personal information**. To read our past reports, go to www.dhs.gov/CRCL.

To learn more about the Privacy Act go to the Federal Information Center, www.pueblo.gsa.gov.

(b)(6)

From: (b)(6)
Sent: Thursday, March 31, 2011 3:28 PM
To: CRCL
Subject: FW: HEADS UP: CONGRESSIONAL Kildee re: Constituent complaint against ICE - [ESEC Workflow # 900643]
Attachments: 900643 attachment 11-1469 Kildee 03.29.11.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

New Congressional correspondence forwarded to CRCL by DHS Exec Sec:

correspondence from Congressman Dale Kildee on behalf of constituent (b)(6) referring complaint written by Ms. (b)(6)

Thanks,

(b)(6)

-----Original Message-----

From: (b)(6)
Sent: Thursday, March 31, 2011 3:24 PM
To: Schlanger, Margo; Kessler, Tamara; Gersten, David; Blumberg, Jeffrey; (b)(6)
Cc: (b)(6)
Subject: HEADS UP: CONGRESSIONAL Kildee re: Constituent complaint against ICE - [ESEC Workflow # 900643]

The attached will be assigned to CRCL to reply direct once a release form has been obtained. No official deadline as of yet.

Sincerely,

(b)(6)

Correspondence Analyst
U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties
(202) (b)(6) Phone
(202) (b)(6) Mobile
(202) 357-1196 Fax

-----Original Message-----

From: (b)(6) [dhs.gov]
Sent: Thursday, March 31, 2011 3:14 PM
To: CRCL Exec Sec
Subject: Information Copy from (b)(6) for ESEC Workflow # 900643 (Contact 900643) (Intranet Quorum IMA002955896)

CRCL, FYI OLA is assisting us in obtaining privacy release for the constituent. Following that, the WF will be reassign to you for reply direct action. Thank you.
<https://IQ.dhs.gov/iq/workflowhome.aspx?showfolder=workflow&showcontent=ID900643&iAccount=IQ>

EDUCATION AND LABOR
CHAIRMAN: EARLY CHILDHOOD, ELEMENTARY
AND SECONDARY EDUCATION
HEALTH, EMPLOYMENT, LABOR, AND PENSIONS

CO-CHAIR:
CONGRESSIONAL AUTOMOTIVE CAUCUS
CONGRESSIONAL NATIVE AMERICAN CAUCUS

Congress of the United States
House of Representatives

DALE E. KILDEE
5TH DISTRICT, MICHIGAN

NATURAL RESOURCES
NATIONAL PARKS, FORESTS,
AND PUBLIC LANDS
FISHERIES, WILDLIFE AND OCEANS

March 29, 2011

To: Mr. Nelson Peacock
Acting Assistant Secretary for Legislative Affairs
Department of Homeland Security
301 7th Street, SW
Mail Stop 0501
Washington, DC 20528-0001

From: Congressman Dale E. Kildee
Attn: Barbara Donnelly
916 Washington Avenue, Suite 205
Bay City, MI 48708

Constituent: (b)(6)

I am faxing a complaint from (b)(6) regarding the recent visit to her home by ICE agents.

If you have any questions please contact me at 989 (b)(6) by fax at 989-891-0994 or via e-mail at (b)(6)@mail.house.gov.

Total Pages in Fax: 7

Office of Legislative Affairs

MAR 29 2011

2107 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2209
(202) 225-3611
e-mail: dkildee@mail.house.gov
website: www.house.gov/kildee

432 NORTH SAGINAW, SUITE 410
FLINT, MI 48502
(810) 239-1437
TOLL FREE TO FLINT OFFICE
1-800-882-2885

515 NORTH WASHINGTON AVENUE
SUITE 401
SAGINAW, MI 48607
(909) 755-8904

916 WASHINGTON AVENUE, SUITE 205
BAY CITY, MI 48708
(810) 891-0200

Printed on Recycled Paper.

pat 3/31/11



Department of Homeland Security (DHS)
Office for Civil Rights and Civil Liberties

Civil Rights Complaint

Fileable Version (last modified 12/13/2010)

CRCL Mission:

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin, religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see www.dhs.gov/eco.)
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women's Act confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

Notes on Confidentiality and Anonymity:

- A) You may remain anonymous by not filling in your name, below. However, CRCL may not be able to investigate your complaint unless you provide enough information to conduct an investigation.
- B) Disclosure of the information you provide, including your identity, is on a "need-to-know" basis, and is discussed in the Privacy Statement at the end of this document. **IF YOU CHECK THE BOX BELOW, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct).** Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.
- ☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.
- ☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.

Complaint Information

FOR YOUR CONVENIENCE, CRCL has access to interpreters and can talk to you in any language.

① Information about the person who experienced the civil rights/civil liberties violation
(fill in what you can)

Name: (b)(6) (b)(6) Last
 and Middle
 Phone #: Cell: 989 (b)(6) Home: 989 (b)(6) Work: _____
 Please note that we may contact you at the provided numbers.
 Mailing Address: (b)(6) (b)(6) Millington, MI 48748
 on day or Street address City State Zip
 Date of Birth: (b)(6) Email (optional): (b)(6)
 Alien Registration #: (if you have one and it's available): _____

1

X96-R 000:303d

DI

(b)(6)

FAX

MAR-29-2011 11:02-02-PM

Mar 28 11 07:35a

(b)(6)

(b)(6)

P.2

☐ Check here if you are in detention now.

Which facility? _____

Facility name

Facility address

☐ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information _____

② Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.

Name: (b)(6)

First

Last

Job title

Organization (if any): _____

Phone #: Cell: _____

Home: _____

Work: _____

Mailing Address: (b)(6)

Vilmon, MI 46740

PO Box or Street address

City

State

Zip

① What happened? Describe your complaint. Give as much detail about your experience as possible.

agents from Michigan's Homeland Security office wasted our time this morning, cost my husband a day of work, searched our computer for "contraband" - which after they'd already been here an hour we learn is child pornography. They found NOTHING, no surprises there, nothing to find, no laws broken, however that did not stop them from first going to my daughter's home, scaring her to death and putting her into a breakdown. They told her my husband was guilty - not suspected, not accused, not being investigated - GUILTY of trafficking in child internet pornography. Further they informed her that our grandson can have no contact with my husband, that the child can no longer get off the bus at our home, that they would be reporting the child's contact with my husband to the local school district and to child protective services. Homeland Security has no case against us, we have NEVER dealt in child pornography, they have no right to threaten my daughter and had NO right whatsoever to go to her home and inform her that my husband was guilty of a crime they had not even investigated yet. They had no right to threaten her with child protective services investigation, no right to contact the local school district. Homeland Security is guilty of slander, intimidation, coercion, and defamation of character. I have filed a complaint with the ACLU, my congressman, senators, attorney general and the white house. I will keep complaining until my daughter and my husband both receive apologies. These agents had no right to go to my daughter's home and spread lies, no right to scare my grandson, no right to threaten my rights as a grandparent nor my husbands. I have called the published number for the Detroit office only to reach the private cell phone belonging to another agent who first hung up on me, then laughed at my complaint during my second call, now will not answer my calls and did not bother to have "someone" call me back. This is the most unprofessional branch of government in existence. I am still mortified that it required 4 agents and 2 vehicles to question my husband and myself, what a total WASTE of tax payer dollars and to imply that this has something to do with identity theft and how I should check our credit cards and credit score... well I did and obviously it's not identity theft and obviously the agents had no idea what they were looking for nor did they have any respect for private citizens or their rights or due process or civil rights. I am furious that these men believe they can threaten my daughter and my grandson.

2

P.3/12

(b)(6)

To:

(b)(6)

MAR-29-2011 11:09 FROM: JON DYLE KILDEE

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

03/24/2011 this morning about 8:15am when we returned from having blood drawn for upcoming doctor's appointment. I have no idea if this is "ongoing" since they failed to find any evidence against us and I have no idea when it began, however my complaint is just starting.

Where did this happen?

Place (for example, name the detention facility, airport, other): at MY private residence

(b)(6)

City: Milington

State or Country: MI 48746

④ Who treated you unfairly?

An employee, contractor, or officer of (check as many as apply):

☐ Citizenship and Immigration Services (USCIS)

☐ Other DHS program (specify): _____

☐ Customs and Border Protection (CBP)*

☐ Customs Officer

☐ Not sure which DHS office

☐ Border Patrol Agent

☐ Non-DHS employee working under the authority

☐ Federal Emergency Management Agency (FEMA)

of DHS (e.g., 287g officer)

specify: _____

☒ Immigration and Customs Enforcement (ICE)

☐ Secret Service (USSS)

☐ Transportation Security Administration (TSA)*

☐ U.S. Coast Guard (USCG)

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/tip

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): _____

Mailing Address: _____

PO Box or Street address

City

State or Country

Zip

Phone No.: _____

Email: _____

Names (or other information, e.g., agency): _____

Mailing Address: _____

PO Box or Street address

City

State or Country

Zip

Phone No.: _____

Email: _____

Continue on an additional page, if needed.

MAR-29-2011 14:24 FROM:

x96=H 500:550d

Mar 26 11 07:38a

:01

TO: (b)(6)

P.5/7

(b)(6)

FR:

MAR-29-2011 12:21PM

(b)(6)

p.4

⑥ Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?

☒ Yes: Agency/Office/Court Vernon State Police, but they do not care and refused to send an officer.

Date: 03/24/2011

☐ No

If so, has anyone responded to your complaint?

☐ Yes ☒ No

If Yes, describe what has been done to respond to your complaint:

Continue on an additional page, if needed.

⑦ Is there any other information you want us to know about or consider?

My grandson is 5 years old, he did not need to be shaken by Homeland Security agents pounding on the door of his home. His home was not being investigated. He is a child and Homeland Security has no right to say he can not visit his grandparents home. They have no right to terrify him or threaten his mother to the point where she is now pulling him out of the public schools. Homeland Security is depriving my grandson of an education with their unlawful threats and inappropriate behavior.

Continue on an additional page, if needed.

4

P.5/12

(b)(6)

(b)(6)

MAR-29-2011 11:10 From: HON DYLE KILDEE

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: CRCL@dhs.gov
 Phone: Local: 202-401-1474 or
 Toll Free: 866-844-8360
 TTY: Local TTY: 202-401-0470
 Toll Free TTY: 866-844-8361
 Fax: 202-401-4705

By U.S. Postal Service:
 Department of Home and Security
 CRCL/Compliance Branch
 245 Murray Lane, SW
 Building 413, Mail Stop #0180
 Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4705, or email scans of your documents to CRCL@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 5 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to www.dhs.gov/CRCL.

To learn more about the Privacy Act go to the Federal Information Center, www.publio.nsa.gov.

E-Mail Viewer

Message

Details

Attachments

Headers

Source

[HTML](#)

From: "webforms@kildcoforms.house.gov" <webforms@kildcoforms.house.gov>

Date: 3/24/2011 12:46:17 PM

To: (b)(6)@mail.house.gov

Cc:

Subject: Contact Form

<APP>CUSTOM

<PREFIX>Mrs.</PREFIX>

<FIRST>(b)(6)</FIRST>

<MIDDLE>(b)(6)</MIDDLE>

<LAST>(b)(6)</LAST>

<ADDR1>(b)(6)</ADDR1>

<CITY>millington</CITY>

<STATE>MI</STATE>

<ZIP>48746</ZIP>

<PHONE>(b)(6)</PHONE>

<EMAIL></EMAIL>

<ISSUE>OTHER- NOT LISTED</ISSUE>

<MSG>we just had homeland security in our home, accusing us of having "contraban"...an hour and a half later after going thru our computers, amazingly they could not find anything, NOTHING!! they were looking for child pornography. they showed up at our daughters, informed her that we were guilty of this crime BEFORE they came here, told her she could not allow our grandchildren contact with us or to be at our home - i watch them so she can work - told her that they had PROOF of this crime and that they were contacting the school AND reporting her to child protective services for investigation. We have done NOTHING wrong, have not committed any crime, they did not find evidence of any crime, told us to check our credit reports & credit card records and left! i have called the office in Detroit only to be hung up on and laughed at, no one returns my calls, yet my daughter is being investigated & i can not see my grandkids for what? Paying MY taxes?? for NOT breaking any

laws? i can not afford an attorney, i am on disability, i have contacted the ACLU and i want awnswers. what is wrong with these people? no proof of any crime yet we are guilty because they feel like costing us our slim life savings! we will loose everything in this i am certain, but most importantly we are being deprived of our grandchildren who are the only ones who matter in this whole twisted Homeland security fantasy. Our son is a senior in high school, what is this going to do to him when it's published in the local newspaper? Homeland security is ruining our lives and they do not care, they have no proof of anything, we did nothing and they have already destroyed our family for their own sick ammusment.</MSG>

</APP>

Close

http://mi05:800/ig/view_email_2.aspx?rid=2366656&oid=102957&did=&from_ser=&from_... 3/24/2011

P.7/12

(b)(6)

(b)(6)

MAR-29-2011 11:18 FROM:KIDCO

(b)(6)

From: (b)(6),(b)(7)(C)@dhs.gov]
Sent: Thursday, March 31, 2011 10:28 AM
To: JOINT INTAKE
Cc: CRCL; (b)(6),(b)(7)(C)
Subject: Civil Rights Complaint
Attachments: Civil Rights Complaint.pdf

Importance: High

All,

On March 26, 2011, the FBI received a Department of Homeland Security (DHS) form that was to be directed to the Office for Civil Rights and Civil Liberties. On March 31, 2011, I was directed to send the attached complaint to the Joint Intake Center (JIC) and copy the Civil Rights and Civil Liberties (CRCL) unit. If you have any questions please feel free to contact me.

(b)(6),(b)(7)(C)

Assistant Special Agent in Charge
Homeland Security Investigations
Detroit, Michigan 48226
Cell: 313. (b)(6),(b)(7)(C)
Work: 313. (b)(6),(b)(7)(C)

Email: (b)(6),(b)(7)(C)@DHS.gov

(b)(6)

From: (b)(6)
Sent: Thursday, April 07, 2011 3:35 PM
To: CRCL
Subject: FW: CONGRESSIONAL Kildee re: Constituent complaint against ICE - DUE COB 4/19
Attachments: CONGRESSIONAL Kildee re: Constituent complaint against ICE - DUE COB 4/19
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Printed, Saved

Attached records for new Contact/Correspondence matter. Complainant name is (b)(6) Congressman Dale E. Kildee to DHS Office of Legislative Affairs wrote on behalf of Ms. (b)(6)

I have informed (b)(6) that I will take the lead on preparing a response letter.

Thanks,

(b)(6)

202-357-(b)(6)

(b)(6)

@hq.dhs.gov

(b)(6)

Subject: CONGRESSIONAL Kildee re: Constituent complaint against ICE - DUE COB 4/19
Due Date: Tuesday, April 19, 2011

Status: Not Started
Percent Complete: 0%

Total Work: 0 hours
Actual Work: 0 hours

Owner: (b)(6)
Requested By: CRCL Exec Sec

Lead: Compliance (originally sent to Jeff, (b)(6))
Cc: (b)(6) Tamara, David, Margo

Please let me know who will actually be leading this reply. The due date provided is an "internal" due date to allow sufficient time for CRCL clearance.



900643 attachment 900643 attachment
11-1469 Kild... kildee Pr fo...

(b)(6)

-----Original Message-----

From: (b)(6)@dhs.gov]
Sent: Thursday, April 07, 2011 1:23 PM
To: CRCL Exec Sec
Subject: Workflow Routing Alert (Contact 900643) (Intranet Quorum IMA002964920)

User (b)(6) has queued the following Workflow for The Honorable Dale E. Kildee, People ID #7006096, to you and others with the Routing Note:
CRCL: Please see attachments 1 and 2 and reply direct by 4/21. Thanks.
<https://iq.dhs.gov/iq/workflowhome.aspx?showfolder=workflow&showcontent=ID900643&iAccount=IQ>

-----Original Message-----

From: (b)(6)@dhs.gov]
Sent: Thursday, March 31, 2011 3:14 PM
To: CRCL Exec Sec

Subject: Information Copy from Nenad Filipovic for ESEC Workflow # 900643 (Contact 900643) (Intranet Quorum IMA002955896)

CRCL, FYI OLA is assisting us in obtaining privacy release for the constituent. Following that, the WF will be reassign to you for reply direct action. Thank you.

<https://iq.dhs.gov/iq/workflowhome.aspx?showfolder=workflow&showcontent=ID900643&iAccount=IQ>

Apr 06 11 11 31a

(b)(6)

(b)(6)

p.1

ATTN:
Barbara Donnelly
Congressman Dale E. Kildee (ME-05)



Congress of the United States
House of Representatives

(b)(6)

SE FORM

I, _____ (print your name)

File Number unknown - Homeland Security will NOT tell me!

Do hereby authorize Homeland Security
to release all necessary and pertinent information to Congressman Dale E. Kildee and his
staff regarding the matter described below. Please give a brief description of your request.
Attach a second sheet if more space is needed.

March 24th 2011 when Homeland Security ICE
agents first went to my daughter's home and told her
AND her fiancé that my husband and I were "IN
CUSTODY AND CHARGED with Child Pornography
possession AND Distribution" and further informed
them that they were being REPORTED to child protective
services for allowing our grandson to have contact with us
and visit our home. AFTER this Homeland Security Agents
visited our home, entered it after I told them I didn't want
them in my home, went thru our computer harddrive looking
for contraband AND found NOTHING - wasted
1/2 my day, cost my husband a day of work, and did
all this in front of my son, one of his High School friends
and our neighbors! No search warrant, no evidence of any
wrong doing, no reasonable suspicion - this was a simple
INVASION of our privacy, a violation of our civil rights
AND flat out slander.

(b)(6)

Signed _____

Date

4-6-2011

ATE

Received

APR - 7 2011

Office of Legislative Affairs

P.1/1

(b)(6)

TO

APR-07-2011 10:18 FROM:



Homeland
Security

June 20, 2011

(b)(6)

Millington, Michigan 48746

Re: CRCL Complaint No. 11-06-ICE-0194

Dear Ms. (b)(6)

On March 31, 2011, the Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you, via the office of Congressman Dale E. Kildee, raising concerns about interactions your family had with Immigration and Customs Enforcement (ICE) in Michigan on March 24, 2011. Your complaint alleges that ICE agents told your daughter and her family that you and your husband were charged with the trafficking of child pornography. Additionally, your complaint alleges that ICE told your daughter that she would be reported to child protective services for allowing her minor son contact with you or your husband. CRCL inquired with ICE regarding your allegations and ICE provided the response below.

ICE acknowledged visiting your home and the home of your daughter on March 24, 2011. During the visit to your home, your husband consented to an interview with ICE regarding allegations of

(b)(5)

into the allegations of trafficking in child pornography is ongoing.

Based on the information provided by ICE, we believe that ICE adequately addressed your concerns. The information you have provided does not suggest that ICE violated the civil rights or civil liberties of you or your family. Upon completion of ICE's investigation, if you continue to have concerns that involve civil rights or civil liberties, you may contact us at that time. We thank you again for your complaint; inquiries like his help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties.

Sincerely,

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

(b)(5)

Copy to:

Congressman Dale E. Kildee
U.S. House of Representatives
927 Washington Avenue, Suite 205
Bay City, Michigan 48708

DRAFT



Homeland
Security

August 22, 2011

(b)(6)

Millington, Michigan 48746

Re: CRCL Complaint No. 11-06-ICE-0194

Dear Ms. (b)(6)

On March 31, 2011, the Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you, via the office of Congressman Dale E. Kildee, raising concerns about interactions your family had with Immigration and Customs Enforcement (ICE) in Michigan on March 24, 2011. Your complaint alleges that ICE agents told your daughter and her family that you and your husband were charged with the trafficking of child pornography. Additionally, your complaint alleges that ICE told your daughter that she would be reported to child protective services for allowing your husband to be a caretaker for her minor son. CRCL inquired with ICE regarding your allegations and ICE provided the response below.

ICE acknowledged visiting your home and the home of your daughter on March 24, 2011. They indicated that they interviewed your husband and also discussed issues related to risks of child endangerment with your daughter. Based upon our review of the ICE response, we are unable to substantiate your allegations. ICE's investigation into the allegations of trafficking in child pornography is ongoing.

To conclude, we believe that ICE has adequately addressed your concerns. If you continue to have concerns that involve civil rights or civil liberties, you may contact us at that time. We thank you again for your complaint; inquiries like this help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Blumberg".

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Copy to:

Congressman Dale E. Kildee
U.S. House of Representatives
927 Washington Avenue, Suite 205
Bay City, Michigan 48708



Homeland
Security

April 18, 2011

The Honorable Dale E. Kildee
U.S. House of Representatives
927 Washington Avenue, Suite 205
Bay City, Michigan 48708

Attention: Barbara Donnelly

Re: DHS CRCL Complaint No. 11-06-ICE-0194

Dear Representative Kildee:

Thank you for your March 29, 2011 letter to the Acting Assistant Secretary for Legislative Affairs for the U.S. Department of Homeland Security (DHS), on behalf of your constituent, Ms. (b)(6). Your correspondence was referred to the DHS Office for Civil Rights and Civil Liberties (CRCL) for response. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against Department of Homeland Security employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. In her correspondence, Ms. (b)(6) alleges that U.S. Immigration and Customs Enforcement (ICE) personnel in Michigan engaged in improper actions during their visits to the homes of Ms. (b)(6) daughter and Ms. (b)(6) and her husband, on March 24, 2011.

Initially, CRCL will send Ms. (b)(6) complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into the concerns raised. CRCL will contact Ms. (b)(6) with the anticipated course of investigation for her complaint and will notify her of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on Ms. (b)(6) behalf. Instead, we use complaints like hers to find and address problems in DHS policy and its implementation. If Ms. (b)(6) believes her rights have been violated, she may wish to consult an attorney. There may be time limitations that govern how quickly she needs to act to protect her interests.

If Ms. (b)(6) has additional information that she would like CRCL to review, she may submit the information to CRCL by email at crcl@dhs.gov, by facsimile at 202-401-4708, or by U.S. mail to the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW, Bldg. 410, MS 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please see our website at <http://www.dhs.gov/crcl>. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Thank you for bringing this matter to our attention. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with Ms. Stolz to address her concerns. If you or Ms. Stolz have questions or concerns, please do not hesitate to contact me in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,



Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Copy to:

(b)(6)

Millington, Michigan 48746

Privacy Act Statement

Under 5 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to www.dhs.gov/CRCL. To learn more about the Privacy Act, go to the Federal Information Center, www.pueblo.gsa.gov.

(b)(6)

From: (b)(6)
Sent: Thursday, May 12, 2011 4:14 PM
To: Blumberg, Jeffrey
Cc: Kessler, Tamara
Subject: RE: Re: CRCL Complaint No. 11-06-ICE-0194
Attachments: Kildee congressional.pdf; 900643 attachment kildee Pr form.pdf

Importance: High

Now that I have all the information, would you consider making this (b)(5)

(b)(5)

(b)(6)

Compliance Investigator
U.S. Department of Homeland Security Headquarters
Washington, DC

(202) (b)(6) Office phone

(202) (b)(6) BB phone (when on travel only)

From: (b)(6)

Sent: Thursday, May 12, 2011 4:10 PM
To: Kessler, Tamara; Blumberg, Jeffrey
Subject: RE: Re: CRCL Complaint No. 11-06-ICE-0194

Ignore my earlier email. Not all the complaint attachments were uploaded to the system and the complaint file was missing from the storage room, so I did not have the complete story. I have since located those items. Thanks.

(b)(6)

Compliance Investigator
U.S. Department of Homeland Security Headquarters
Washington, DC

(202) (b)(6) Office phone

(202) (b)(6) BB phone (when on travel only)

From: (b)(6)

Sent: Wednesday, May 11, 2011 2:57 PM
To: Kessler, Tamara; Blumberg, Jeffrey
Subject: Re: CRCL Complaint No. 11-06-ICE-0194

Tamara and Jeffrey –

The attached complaint was categorized by you (b)(5)

(b)(5)

Based on the information contained in the complaint, it appears the complainant is alleging officer/agent misconduct and/or rude and unprofessional treatment, which is ICE OPR's purview. After carefully review the

complaint form, I do not see any information that indicates a possible CR/CL violation (e.g. physical or verbal abuse, entry w/o a warrant). Can you help me understand what issue(s) you noticed during initial review that you wanted explored? Thanks.

(b)(6)

Compliance Investigator
U.S. Department of Homeland Security Headquarters
Washington, DC

(202) (b)(6) Office phone

(202) (b)(6) BB phone (when on travel only)

(b)(6)

From: (b)(6)
Sent: Monday, April 18, 2011 8:53 AM
To: (b)(6), (b)(7)(C)
Subject: FW: CONGRESSIONAL Kildee re: Constituent complaint against ICE - DUE COB 4/19
Attachments: 900643 attachment 11-1469 Kildee 03.29.11.pdf; 900643 attachment kildee Pr form.pdf

Good morning, (b)(6), (b)(7)(C)

Have you received any information on what action, if any, the JIC/ICE have taken on the attached matter? If not, can you please follow up at your earliest convenience?

The JIC received a copy of (b)(6) correspondence (completed on the CRCL Complaint Submission Form) on 3/31/2011 from (b)(6), (b)(7)(C) ASAC of ICE Homeland Security Investigations in Detroit. ASAC (b)(6), (b)(7)(C) said that the FBI had received the correspondence, and that she was directed on 3/31 to send it to the JIC with cc to CRCL.

I'm not sure if ICE also separately received a copy of the Congressional, from DHS Exec Sec or other sources.

Thanks,

(b)(6)

Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357 (b)(6)
(b)(6)@hq.dhs.gov

From: (b)(6)
Sent: Thursday, April 14, 2011 6:20 PM
To: (b)(6), (b)(7)(C)
Subject: FW: CONGRESSIONAL Kildee re: Constituent complaint against ICE - DUE COB 4/19

(b)(6), (b)(7)(C)

Attached is the correspondence about which I called you this afternoon. Based on the attached correspondence from Congressman Dale E. Kildee, referring a complaint made by Ms. (b)(6), can you please check whether ICE has received a copy of this correspondence (or any other correspondence regarding the same matter) and whether you have taken any action on it, and if so, what action has been taken?

CRCL is drafting a response to Rep. Kildee. In a draft response, (b)(5)

(b)(5)

If there are any ICE OPR preliminary reports or other background information that you could share with me, that would also be helpful in helping CRCL determine how we choose to handle this matter.

Thanks,

(b)(6)

(b)(5)

(b)(6), (b)(7)(C)
returned my call/
email on 4/18/11. He
said the JIC
received the
correspondence +
has not taken
any action on it
beyond logging
it in. He said
the record does
not indicate

(b)(6)

Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)
(b)(6)@hq.dhs.gov

-----Original Message-----

From: (b)(6)@dhs.gov]
Sent: Thursday, April 07, 2011 1:23 PM
To: CRCL Exec Sec
Subject: Workflow Routing Alert (Contact 900643) (Intranet Quorum IMA002964920)

User (b)(6) has queued the following Workflow for The Honorable Dale E. Kildee, People ID #7006096, to you and others with the Routing Note:

CRCL: Please see attachments 1 and 2 and reply direct by 4/21. Thanks.

<https://iq.dhs.gov/iq/workflowhome.aspx?showfolder=workflow&showcontent=ID900643&iAccount=IQ>

-----Original Message-----

From: (b)(6)@dhs.gov]
Sent: Thursday, March 31, 2011 3:14 PM
To: CRCL Exec Sec
Subject: Information Copy from (b)(6) for ESEC Workflow # 900643 (Contact 900643) (Intranet Quorum IMA002955896)

CRCL, FYI OLA is assisting us in obtaining privacy release for the constituent. Following that, the WF will be reassign to you for reply direct action. Thank you.

<https://iq.dhs.gov/iq/workflowhome.aspx?showfolder=workflow&showcontent=ID900643&iAccount=IQ>

From: (b)(6)
To: Blumberg, Jeffrey
Cc: (b)(6)
Subject: RE: Re: CRCL Complaint No. 11-026-ICE-0194
Date: Monday, June 20, 2011 4:08:00 PM
Attachments: 900643 attachment kildee Pr form.pdf
Kildee Complaint Form.pdf
Kildee congressional.pdf

From: Blumberg, Jeffrey
Sent: Monday, June 20, 2011 4:05 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: Re: CRCL Complaint No. 11-026-ICE-0194

(b)(6)

Can you forward the complaint? (b)(5)

(b)(6) (b)(5)

(b)(5)

Thanks,

Jeff

From: (b)(6)
Sent: Monday, June 20, 2011 3:39 PM
To: Blumberg, Jeffrey
Cc: (b)(6)
Subject: Re: CRCL Complaint No. 11-026-ICE-0194
Importance: High

Jeffrey –

Attached is the close letter for the above-referenced complaint with congressional interest. Please

(b)(5)

(b)(5)

Since this is a

congressional, we have a deadline to respond. Is this something we can get out this week, assuming that ICE approves the language? Thanks.

(b)(6)

Compliance Investigator
U.S. Department of Homeland Security Headquarters
Washington, DC
(202) (b)(6) Office phone
(202) (b)(6) BB phone (when on travel only)

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-0574 11-06-ICE-0194 (b)(6) Congressman Dale Kildee

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-04-08 09:40	Create	Entry Date	04/08/2011	7343	(b)(6)	User Change
DhsComplaint	2011-04-08 09:40	Create	Method of Receipt	Email	7343		User Change
DhsComplaint	2011-04-08 09:40	Create	Sender Type	Exec Sec	7343		User Change
DhsComplaint	2011-04-08 09:40	Create	Control Number	900643	7343		User Change
DhsComplaint	2011-04-08 09:40	Create	Date on Correspondence	03/24/2011	7343		User Change
DhsComplaint	2011-04-08 09:40	Create	Date to DHS	03/31/2011	7343		User Change
DhsComplaint	2011-04-08 09:40	Create	Date to CRCL	03/31/2011	7343		User Change
DhsComplaint	2011-04-08 09:40	Create	Date to Exec Sec	03/31/2011	7343		User Change
DhsComplaint	2011-04-08 09:40	Create	Date Due to Exec Sec	04/19/2011	7343		User Change
DhsComplaint	2011-04-08 09:40	Create	Days to Process	8	7343		User Change
DhsComplaint	2011-04-08 09:40	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7343		User Change
DhsComplaint	2011-04-08 09:40	Create	Executive Summary	On March 31, 2011, DHS Exec Sec received correspondence from Congressman Dale Kildee on behalf of constituent (b)(6) referring complaint written by Ms (b)(6) Mrs. (b)(6) also directly emailed her correspondence to CRCL on	7343		User Change

DhsComplaint	2011-04-08 09:40	Create	Summary	March 24, 2011 and faxed On March 31, 2011, DHS Exec Sec received correspondence from Congressman Dale Kildee on behalf of constituent (b)(6) referring complaint written by Ms. (b)(6) Mrs. (b)(6) also directly emailed her correspondence to CRCL on March 24, 2011 and faxed	7343	(b)(6)	User Change
DhsComplaint	2011-04-08 09:40	Create	Component Referenced	ICE	7343	(b)(6)	User Change
DhsComplaint	2011-04-18 18:13	Update	Days to Process	18	7343	(b)(6)	User Change
DhsComplaint	2011-04-18 18:13	Update	Summary	On March 31, 2011, DHS Exec Sec received correspondence from Congressman Dale Kildee on behalf of constituent (b)(6) referring complaint written by Ms. (b)(6) Mrs. (b)(6) also directly emailed her correspondence to CRCL on March 24, 2011 and faxed	7343	(b)(6)	User Change
DhsComplaintAction	2011-04-18 13:37	Create	Action Date	04/18/2011	104539	(b)(6)	User Change
DhsComplaintAction	2011-04-18 13:37	Create	Action	Open a Complaint	104539	(b)(6)	User Change
DhsComplaintAction	2011-04-18 13:37	Create	Comments	Per Jeff on 4/18/2011, open as a short-form complaint assigned to (b)(6) Copy of incoming sent to (b)(6) on 4/18/2011.	104539	(b)(6)	User Change
DhsComplaintAction	2011-08-22 11:23	Create	Document	CRCL Close Letter Complaint No 11-06-ICE-0194.pdf	105845	(b)(6)	User Change
DhsComplaintAction	2011-08-22 11:23	Create	Action	Closed - Short Form/No Further Action	105845	(b)(6)	User Change
DhsComplaintAction	2011-08-22 11:23	Create	Internal Summary	On March 31, 2011, the Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you, via the office of Congressman Dale E. Kildee, raising concerns about interactions your family had with Immigration and Customs Enforcement (ICE) in Mi	105845	(b)(6)	User Change
DhsComplaintAction	2011-08-22 11:23	Create	Reporting Summary	On March 31, 2011, the Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you, via the office of Congressman Dale E. Kildee, raising concerns about interactions your family had with Immigration and Customs Enforcement (ICE) in Mi	105845	(b)(6)	User Change
DhsComplaintAction	2011-08-22 11:23	Create	Action Date	08/22/2011	105845	(b)(6)	User Change

DhsComplaintAction	2011-04-19 10:22	Create	Action Date	04/18/2011		104540	(b)(6)	User Change
DhsComplaintAction	2011-04-19 10:22	Create	Action	Sent to IG		104540		User Change
DhsComplaintAction	2011-04-26 15:11	Create	Document	11-06-ICE-0194 (OIG Response 4.25.2011).pdf		104649		User Change
DhsComplaintAction	2011-04-26 15:11	Create	Action Date	04/25/2011		104649		User Change
DhsComplaintAction	2011-04-26 15:11	Create	Action	IG Declines/Back from IG		104649		User Change
DhsComplaintAction	2011-04-26 15:11	Create	Action Date	04/25/2011		104651		User Change
DhsComplaintAction	2011-04-26 15:11	Create	Action	Awaiting Recommendation		104651		User Change
DhsComplaintAction	2011-05-04 15:48	Create	Action	Recommendation Review		104786		User Change
DhsComplaintAction	2011-05-04 15:48	Create	Action Date	05/04/2011		104786		User Change
DhsComplaintAction	2011-05-04 15:48	Create	Action	Back from Officer		104787		User Change
DhsComplaintAction	2011-05-04 15:48	Create	Primary Assignment	(b)(6)		104787		User Change
DhsComplaintAction	2011-05-04 15:48	Create	Action Date	05/04/2011		104787		User Change
DhsComplaintAction	2011-05-04 15:48	Create	Comments	short form		104787		User Change
DhsComplaintAction	2011-07-27 13:01	Create	Action	Short Form		105598		User Change
DhsComplaintAction	2011-07-27	Create	Comments	(b)(5)		105598		User

	13:01			(b)(5)		(b)(6)	Change
DhsComplaintAction	2011-07-27 13:01	Create	Action Date	07/27/2011		105598	User Change
DhsComplaintDocument	2011-07-28 08:41	Create	Document 4	Close Letter.doc		84642	User Change
DhsComplaintDocument	2011-07-28 08:41	Create	Document 5	Confirmation of consent form to (b)(6)		84642	User Change
DhsComplaintDocument	2011-07-28 08:41	Create	Dateentered	07/28/2011		84642	User Change
DhsComplaintDocument	2011-07-28 08:41	Create	Document 3	(b)(5),(b)(6) pdf		84642	User Change
DhsComplaintDocument	2011-07-28 08:41	Create	Document 2	(b)(5),(b)(6) pdf		84642	User Change
DhsComplaintDocument	2011-07-28 08:41	Create	Document Type	Investigative Material		84642	User Change
DhsComplaintDocument	2011-07-28 08:41	Create	Document 1	JIC acknowledgement of case.htm		84642	User Change
DhsComplaintDocument	2011-07-28 08:41	Create	Foreign Language	No		84642	User Change
DhsComplaintDocument	2011-07-28 08:41	Create	Comments	Submitted close letter to Jeffrey by email on 6/20/11. No response on letter as of 7/28/11.		84642	User Change
DhsComplaintDocument	2011-07-28 08:43	Create	Dateentered	07/28/2011		84643	User Change
DhsComplaintDocument	2011-07-28 08:43	Create	Document 2	Submission of close letter.pdf		84643	User Change
DhsComplaintDocument	2011-07-28 08:43	Create	Document Type	Investigative Material		84643	User Change
DhsComplaintDocument	2011-07-28 08:43	Create	Document 1	(b)(5),(b)(6) pdf		84643	User Change

DhsComplaintDocument	07-28 08:43	Create	Foreign Language	No	84643	(b)(6)	User Change
DhsComplaintDocument	2011- 08-22 10:26	Create	Dateentered	08/22/2011	84866		User Change
DhsComplaintDocument	2011- 08-22 10:26	Create	Document 1	CRCL Close Letter Complaint No. 11-06-ICE-0194.pdf	84866		User Change
DhsComplaintDocument	2011- 08-22 10:26	Create	Foreign Language	No	84866		User Change
DhsComplaintDocument	2011- 08-22 10:26	Create	Document Type	Closed Letter	84866		User Change
DhsComplaintDocument	2011- 08-22 11:26	Create	Dateentered	08/22/2011	84870		User Change
DhsComplaintDocument	2011- 08-22 11:26	Create	Document 1	(b)(5),(b)(6) pdf	84870		User Change
DhsComplaintDocument	2011- 08-22 11:26	Create	Document 4	(b)(5),(b)(6) pdf	84870		User Change
DhsComplaintDocument	2011- 08-22 11:26	Create	Document 2	(b)(5),(b)(6) pdf	84870		User Change
DhsComplaintDocument	2011- 08-22 11:26	Create	Document 5	Submission of close letter.pdf	84870		User Change
DhsComplaintDocument	2011- 08-22 11:26	Create	Document 3	Confirmation of consent form to (b)(6) pdf	84870		User Change
DhsComplaintDocument	2011- 08-22 11:26	Create	Foreign Language	No	84870		User Change
DhsComplaintDocument	2011- 08-22 11:26	Create	Document Type	Investigative Material	84870		User Change
DhsComplaintDocument	2011- 04-08 10:21	Update	Document 5	3 31 2011 (b)(6) fax to CRCL.pdf	83308		User Change
DhsComplaintDocument	2011- 04-19 10:22	Create	Document Type	Acknowledgement Letter	83439		User Change

DhsComplaintDocument	2011-04-19 10:22	Create	Document 1	DHS CRCL letter to Rep Kildee re (b)(6) 4-18-2011_(11-06-ICE-0194).pdf	83439	(b)(6)	User Change
DhsComplaintDocument	2011-04-19 10:22	Create	Dateentered	04/19/2011	83439		User Change
DhsComplaintDocument	2011-04-19 10:22	Create	Foreign Language	No	83439		User Change
DhsComplaintDocument	2011-04-19 10:22	Create	Comments	4/19/2011 acknowledgement letter sent by Front Office (controlled correspondence_ESEC.Workflow # 900643) to Rep. Kildee, with cc to (b)(6)	83439		User Change
DhsComplaintDocument	2011-04-08 09:43	Create	Document 1	3 31 2011 (b)(6) Exec Sec (Source Congressional Kildee).pdf	83308		User Change
DhsComplaintDocument	2011-04-08 09:43	Create	Document 4	4 7 2011 (b)(6) exec sec tasker.pdf	83308		User Change
DhsComplaintDocument	2011-04-08 09:43	Create	Dateentered	04/08/2011	83308		User Change
DhsComplaintDocument	2011-04-08 09:43	Create	Foreign Language	No	83308		User Change
DhsComplaintDocument	2011-04-08 09:43	Create	Document 3	3 24 2011 (b)(6).pdf	83308		User Change
DhsComplaintDocument	2011-04-08 09:43	Create	Document 2	3 31 2011 (b)(6) ICE HSI forward.pdf	83308		User Change
DhsComplaintDocument	2011-04-08 09:43	Create	Document Type	Incoming Letter	83308		User Change
DhsComplaintIssue	2011-10-20 14:11	Update	(b)(5)	(b)(5)	12742		User Change
DhsComplaintIssue	2011-10-20 14:11	Update	Situation	DHS law enforcement activity	12742		User Change
DhsComplaintIssue	2011-04-08 09:53	Create	Ongoing	No	12742		User Change
DhsComplaintIssue	2011-04-08	Create	City	Millington	12742		User

	09:53		Create	Incident Date	03/24/2011			(b)(6)	Change
DhsComplaintIssue	2011-04-08 09:53		Create	Incident Date	03/24/2011		12742		User Change
DhsComplaintIssue	2011-04-08 09:53		Create	State	Michigan - MI		12742		User Change
DhsComplaintIssue	2011-04-08 09:53		Create	(b)(5)	(b)(5)		12742		User Change
DhsComplaintIssue	2011-04-08 09:53		Create	Incident Location Type	Residence		12742		User Change
DhsComplaintIssue	2011-04-08 09:53		Create	Primary Issue	Yes		12742		User Change
DhsComplaintIssue	2011-04-08 09:53		Create	Redirect to Subject	No		12742		User Change
DhsComplaintPartiesInvolved	2011-05-11 14:50		Update	First Name	Congressman Date		21340		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:46		Create	Prefix	Mrs		21338		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:46		Create	Zip Code	48746		21338		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:46		Create	Email	(b)(6)		21338		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:46		Create	Address Line 1	(b)(6)		21338		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:46		Create	Last Name	(b)(6)		21338		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:46		Create	Alt Phone	(b)(6)		21338		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:46		Create	State	Michigan - MI		21338		User Change
	2011-								

DhsComplaintPartiesInvolved	04-08 09:46	Create	First Name	(b)(6)	21338	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 04-08 09:46	Create	City	Millington	21338		User Change
DhsComplaintPartiesInvolved	2011- 04-08 09:46	Create	Phone	(b)(6)	21338		User Change
DhsComplaintPartiesInvolved	2011- 04-08 09:46	Create	Contact Type	Sender	21338		User Change
DhsComplaintPartiesInvolved	2011- 04-08 09:47	Create	Prefix	Mrs	21339		User Change
DhsComplaintPartiesInvolved	2011- 04-08 09:47	Create	Zip Code	48746	21339		User Change
DhsComplaintPartiesInvolved	2011- 04-08 09:47	Create	Email	(b)(6)	21339		User Change
DhsComplaintPartiesInvolved	2011- 04-08 09:47	Create	Address Line 1	(b)(6)	21339		User Change
DhsComplaintPartiesInvolved	2011- 04-08 09:47	Create	Last Name	(b)(6)	21339		User Change
DhsComplaintPartiesInvolved	2011- 04-08 09:47	Create	Alt Phone	(b)(6)	21339		User Change
DhsComplaintPartiesInvolved	2011- 04-08 09:47	Create	State	Michigan - MI	21339		User Change
DhsComplaintPartiesInvolved	2011- 04-08 09:47	Create	First Name	(b)(6)	21339		User Change
DhsComplaintPartiesInvolved	2011- 04-08 09:47	Create	City	Millington	21339		User Change
DhsComplaintPartiesInvolved	2011- 04-08 09:47	Create	Phone	(b)(6)	21339		User Change
DhsComplaintPartiesInvolved	2011- 04-08 09:47	Create	Contact Type	On Behalf Of	21339		User Change

DhsComplaintPartiesInvolved	2011-04-08 09:50	Create	Prefix	Other	21340	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011-04-08 09:50	Create	Zip Code	48708	21340		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:50	Create	Other Prefix	Congressman	21340		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:50	Create	Address Line 1	916 Washington Avenue, Suite 205	21340		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:50	Create	Other Organization	US House of Representatives	21340		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:50	Create	Last Name	Kildee	21340		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:50	Create	Middle Name	E.	21340		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:50	Create	State	Michigan - MI	21340		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:50	Create	First Name	Dale	21340		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:50	Create	Organization	Other	21340		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:50	Create	City	Bay City	21340		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:50	Create	Contact Type	Sender	21340		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:51	Create	Last Name	Exec Sec	21341		User Change
DhsComplaintPartiesInvolved	2011-04-08 09:51	Create	Organization	DHS	21341		User Change
DhsComplaintPartiesInvolved	2011-04-08	Create	Contact Type	Source	21341		User

[illegible]

From: (b)(6)
To: (b)(6)
Cc: (b)(6)
Subject: FW: CRCL Complaint Number 11-08-ICE-0248 (Additional info needed)
Date: Tuesday, July 05, 2011 11:47:15 AM
Attachments: 5 18 2011 (b)(6).pdf

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@dhs.gov]
Sent: Wednesday, June 29, 2011 11:16 AM
To: (b)(6)
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 11-08-ICE-0248 (Additional info needed)

(b)(6)

Attached is the mail correspondence

Thanks

(b)(6)

From: (b)(6)@dhs.gov]
Sent: Tuesday, June 28, 2011 11:48 AM
To: (b)(6)
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 11-08-ICE-0248 (Additional info needed)

(b)(6)

What is the address, city and state where the warrant was executed? Can you also forward the mail correspondence?

Thanks,

(b)(6)

Investigator
Department of Homeland Security
Office of Inspector General
Office of Investigations
202-(b)(6)

From: (b)(6)@dhs.gov]
Sent: Friday, June 24, 2011 10:22 AM
To: (b)(6)
Cc: (b)(6)
Subject: CRCL Complaint Number 11-08-ICE-0248

(b)(6)

Summary of new complaint for your review:

On May 18, 2011, CRCL received standard mail correspondence from (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on April 26, 2011. Ms. (b)(6) included letters from each of her tenants and the photos of damage and physical harm. The letters from Ms. (b)(6) and her tenants allege that the ICE agents pointed their guns at tenants, forced them to the ground and handcuffed them tightly enough to cause bruises and punched one in the head, and damaged the property. This complaint was also made on behalf of her tenants (b)(6)

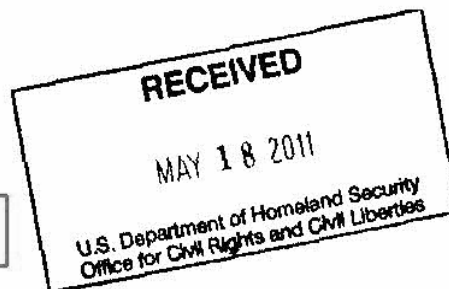
(b)(6)

(b)(6)

Thank you.

(b)(6)

Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357-(b)(6) (phone)
(b)(6)@dhs.gov



(b)(6)

Davis, CA 95617

(b)(6)

To Whom It May Concern,

This document and the included attachments constitute a formal complaint regarding the manner in which Department of Homeland Security/Immigration and Customs Enforcement (ICE) agents executed a Search and Seizure Warrant at (b)(6) Davis, CA 95616, on Tuesday morning April 26, 2011. I own the property involved, and own and live in the house next door at (b)(6). I understand the agents had a legal right to search the property named on the warrant. In the absence of information proving otherwise I will assume Judge Edmund F. Brennan was provided sufficient evidence to justify his signing the warrant. While not a legal scholar, I understand the warrant in question as giving ICE agents the right to enter the house at (b)(6) to search for objects depicting child pornography and electronic devices, including computers, that may have been used to transmit images of child pornography. No individual people were named on the warrant.

Abused as a child, I have personal reasons for considering any form of child abuse abhorrent. Those involved in the production of, and trafficking in, child pornography should, in my opinion, be prosecuted and if convicted sentenced to the longest prison terms the law allows.

I think the ICE agents used excessive force while executing this warrant. They announced their presence in a manner that terrified those residents who could hear them yelling and banging on the door but who were unable to understand what was being said and by whom. Some of the residents thought they were robbers or perhaps terrorists. Agents entered the house with guns drawn with neither the consent of the residents nor any cognizance on their part that the people invading their home were federal agents serving a search warrant. With a seemingly callous disregard for the physical and psychological safety of innocent, frightened people, agents at gun point forcibly detained and handcuffed unresisting persons several of whom did not understand they were police agents. One resident was hit repeatedly across the back of his head, after he was lying face down on the floor with his hands behind him. This even after being told by another resident that he and several of the other occupants were not fluent in English. One person was told the warrant existed and one other was shown the warrant and read his rights, after most of the searching had been conducted. Both of these people are fluent in English and recognized quickly that the people breaking into their house were police, or at least looked to be police. Damage to and destruction of doors, and the floor in one room seemed more calculated to frighten people than to obtain entry to rooms as well as suggesting a total disregard for property. Minimal communication between agents, and between agents and residents would surely have resulted in less trauma to people and minimized damage to property.

Upon talking with an agent, outside of the house after identifying myself and being shown the warrant, I was led to believe they were looking for a computer and other information that may or may not have once been in the house, may or may not still have been in the house, and that was allegedly involved in the transmission of and/or used to visit a site involved in child pornography in March of last year.

I fail to understand why, for an alleged incident more than a year old it was deemed necessary to announce their presence at a time and in a manner calculated to waken sleeping people and frighten them, to point guns at them and handcuff them. The search warrant was valid until May 9th allowing ample time to determine who currently lives in the house.

It may be that under the Patriot Act such actions by ICE agents are considered legal. In my opinion, these ICE agents did not serve this warrant in a professional manner nor are their actions justifiable from any ethical or moral standpoint this country purports to stand for. It is fortunate that the injuries sustained by the residents were not more severe. Someone could easily have been killed. None of us involved feel safer after our encounter with Homeland Security.

Sincerely,

(b)(6)

Attachments: (One page each unless otherwise stated)

Copy of Search and Seizure Warrant 2: 11 - SW - 0161 EFB

Inventory of the property taken belonging to (b)(6)

Attachment B: Items to be Seized (4 pages)

Copy of business card of Supervisory Special Agent (b)(6), (b)(7)(C) Dept. of Homeland Security

Statements of Residents of (b)(6) with brief explanation of their status.

(These statements were submitted to me voluntarily and with the full understanding that they were to be included in this complaint. I have not altered the statements in any way other than to put names and page numbers in the upper right hand corner of each.)

Statement of (b)(6) UCD English as a Second Language Program student, Chilean National, Resident (b)(6)

Statement of (b)(6) - Third year UCD student, American Citizen, Resident (b)(6)

Statement of (b)(6) (2 pages) - First year Sacramento City College student, American Citizen, Resident (b)(6)
Grandson of (b)(6)

Statement of (b)(6) Vietnamese Visiting Scholar at UCD, Resident (b)(6)

Statement of (b)(6) - Vietnamese Visiting Scholar at UCD, Resident (b)(6)

Statement of (b)(6) (8 pages) - Custodian, Resident (b)(6)

Statement of (b)(6) Vietnamese Visiting Scholar at UCD, Resident (b)(6)

Statement of (b)(6) - Fourth year UCD student, American Citizen, Resident (b)(6)

Statement of (b)(6) - Third year UCD student, American Citizen, Resident (b)(6)

Statement of (b)(6) (2 pages) - Retired Veterinarian, American Citizen, Resident (b)(6)
(b)(6) Owner (b)(6)

Concerns, questions, and comments from (b)(6)

Pictures of damage to door between Ms. (b)(6) bedroom and back hall. (4)

Pictures of damage to floor in Ms. (b)(6) bedroom. (2)

Picture of damage to door to Dr. (b)(6) bedroom

Picture of Dr. (b)(6) injured hand

Bill for repairs completed

Estimate for additional repairs needed

List of Agencies and Persons receiving copies of complaint

UNITED STATES DISTRICT COURT

for the
Eastern District of California

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

(b)(6)
Davis, California 95618

Case No.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

(b)(6)

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the EASTERN District of CALIFORNIA
(Identify the person or describe the property to be searched and give its location):
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be seized):
SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before

5-9-2011
(not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

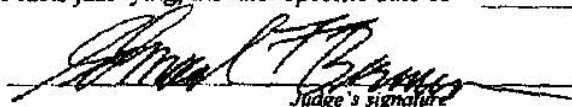
The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30).

☐ Until, the facts justifying, the later specific date of _____

Date and time issued: 4-25-2011
9:10:00 AM


Judge's signature

City and state: SACRAMENTO, CALIFORNIA

EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE
Printed name and title

Return

Case No.:

Date and time warrant executed:

4/26/11 0630

Copy of warrant and inventory left with:

(b)(6)

Inventory made in the presence of:

Inventory of the property taken and name of any person(s) seized:

- ① MISC DOCUMENTS
- ② MISC PHOTOGRAPHS
- ③ MISC MEDIA
- ④ CUSTOM CASE COMPUTER
- ⑤ LARGE TOWER COMPUTER
- ⑥ DELL COMPUTER (SERVICE TAG # (b)(6))
- ⑦ NETGEAR WIRELESS ROUTER S/N (b)(6)

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

Executing officer's signature_____
Printed name and title

Subscribed, sworn to, and returned before me this date.

Signature of Judge_____
Date

ATTACHMENT B

ITEMS TO BE SEIZED

The following items, records and information are to be seized wherever they may be stored or found on the property and in any form that they may be stored or found on the property:

- a. Any images of child pornography and files containing images of child pornography in any form;
- b. Any items, information or records which reference Liberalmorality.com or any users of Liberalmorality.com;
- c. Any items, information, records or images related to or used to visually depict child pornography or child erotica;
- d. Any items, information, or records which contain information pertaining to any individual's interest in child pornography or erotica;
- e. Any items, information, or records related to the distribution, receipt or possession of child pornography or used to distribute, receive, or possess child pornography;
- f. Books and magazines containing visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256;
- g. Originals, copies, and negatives of visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256;
- h. Motion pictures, films, videos, and other recordings of visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256;

- i. Information, electronic records, or correspondence pertaining to the possession, receipt, or distribution of visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256, that were transmitted or received using computer, some other facility or means of interstate or foreign commerce, common carrier, or the U.S. mail including, but not limited to:
- (1) envelopes, letters, and other correspondence including, but not limited to electronic mail, chat logs, and electronic or other instant messages, establishing possession, access to, or transmission through interstate or foreign commerce, including by United States mail or by computer, of visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256; and
 - (2) books, ledgers, and records bearing on the production, reproduction, receipt, shipment, orders, requests, trades, purchases, or transactions of any kind involving the transmission through interstate or foreign commerce including by United States mail or by computer of any visual depiction of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256;
 - (3) credit card information including but not limited to bills and payment records;
 - (4) records evidencing occupancy or ownership of the premises described above, including, but not limited to, utility and telephone bills, mail envelopes, or addressed correspondence; and

(5) records or other items that indicate ownership or use of computer equipment found in the above residence, including, but not limited to, sales receipts, bills for Internet access, and handwritten notes and

(6) records, electronic or otherwise, or other items that relate to Liberalmorality.com, and Liberalmorality.com accounts and usernames, or any other groups that exhibit a sexual interest in children.

j. For any computer hard drive or other electronic media (hereinafter, "COMPUTER") found to contain information otherwise called for by this warrant:

(1) evidence of who used, owned, or controlled the COMPUTER at the time the items described in this warrant were created, edited, viewed, uploaded, downloaded, or deleted, such as logs, registry entries, internet history, saved usernames and passwords, documents, and browsing history, to include bookmarked sites;

(2) evidence of software that would allow others to control the COMPUTER, such as viruses, Trojan horses, and other forms of malicious software;

(3) evidence of the lack of such malicious software;

(4) evidence of the attachment to the COMPUTER of other storage devices, disks, CD-ROMS, or similar containers for electronic evidence;

(5) evidence of the times the COMPUTER was used and its users;

(6) passwords, encryption keys, and other access devices that may be necessary to access the COMPUTER;

- (7) evidence identifying the location from which images of child pornography were downloaded, including date and time of such downloads;
- (8) evidence identifying whether image and/or video files containing child pornography were ever viewed, to include date and time of such viewing;
- (9) evidence identifying whether images and/or videos files were deleted to include date and time of deletion;
- (10) evidence relevant to the creation dates of all visual depictions of minors engaged in sexually explicit conduct, to include evidence derived from metadata obtained from child pornographic videos and images;
- (11) documentation and manuals that may be necessary to access the COMPUTER or to conduct a forensic examination of the COMPUTER;
- (12) contextual information necessary to understand the evidence described in this attachment.

As used above, the terms "items", "images", "records" and "information" include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as hard disks or other media that can store data); any handmade form (such as writing, drawing, painting); any mechanical form (such as printing or typing); and any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, or photocopies).

(b)(6),(b)(7)(C)

Supervisory Special Agent

DHS | Homeland Security Investigations

650 Capitol Mall (b)(6),(b)(7)

Sacramento, CA 95814

(b)(6),(b)(7)(C)



Homeland
Security

Early in the morning, around 620, I started to hear some very loud yells from outside of the house, which were followed by strong knocks in the principal door. I didn't understand anything about what they were saying outside. I got up quickly and ran to open the principal door. When I opened it, a policeman pushed me against the wall while he was handling a gun, he pointed me and made me turn around and put my hands in my back. While about 12 policemen got into the house and started to evict people in the others rooms, with the same procedure, yelling and knocking really hard the doors in a very impolite way. Even they forced one empty room door.

We were left, all of us handcuffed, in the living room, excepting (b)(6) I don't know if I spelled right the name) that was in the back yard. Both Vietnamese women, one of them pregnant, asked for a coat to the policemen but they took over 10 minutes to bring one.

After 30 minutes they started to change their manners becoming to be more polite and they let us wrap up, it was very cold.

Then after that they ask me some question and check out my room they let me leave the house.

I just want to add that it was a very uncomfortable and shocking experience because I felt as a delinquent. The powerlessness feeling that I still have, it is so big.

On Tuesday April 26th, I was woken up around 6:30 in the morning to continuous loud banging at my front door. I didn't know who it was, and it was at such an early hour that none of my housemates were dressed or awake. As I got out of bed, the banging at the front door got louder and more extreme. Then the door bell started ringing. Just like the banging, it was none stop, like it was super urgent and someone's life depended on it. One of my housemates got to the door (I think it was one of the Vietnamese ladies who lives near the front) and as they opened the door, I heard "Don't move this is the police" or something similar to it. Then there was a lot of shouting from the police as they came rushing into the house. I was still in my room at the time and as I opened my door to see just what was happening, one of the police had a light shined up to my face. I couldn't see anything and was told to "freeze and put my hands up in the air". It felt like a robbery more than a police searching the house for whatever they were looking for. I was then led to the living room where I got handcuffed. None of my housemates nor I had any say in anything. I didn't even see the search warrant, or told anything as to why they were even there at my house at such an ungodly hour being as loud as they were. My friend lives next door, and even she could hear them shouting in my house. I was told to sit on the couch while they rummaged through the house and searched for more people. I was really confused at what was going on. One second I was in bed, and the other, I was handcuffed on the couch. Then I heard loud banging noises coming from my room in the back. I later found out that they broke down my door to get to the other side. The house we live in has a main house and a back house. We can reach the back house through a door in the backyard. My room is in the main house, but it also connects to the backhouse. I have 2 doors in my room. One leading to the main house, which is the one I use. And the other one is a sliding door that is locked to prevent people from the backhouse from coming into my room. It is always locked and the lock is on my side of the door. It pretty much just functions as a wall for me. As I never go out that way and the bottom of the door is taped shut to prevent a draft. But instead of opening the lock and sliding the door open, the police chose to break it down. They threw everything I had in front of the sliding door to the side and broke down the door. They even left a dent in the floor of my room when they brought in the battering ram. After the police found everyone in the house and they stopped shouting, I asked them what was

going on. They then proceeded to tell me that they had a search warrant from the court to search the house for someone who has illegally viewed a child pornography website. I never saw the warrant. I was only told about it. After they decided that no one at the house was a threat, they removed our handcuffs and patted all of us down. They then went around the entire house taking pictures. One of them walked around the house and sketched the entire house. They took our pictures and IDs and asked me for my social security number. They also asked each one of us how long we lived there at the house. Some of us were taken into another room for questioning or something. But I was never questioned or taken into another room. We sat in the living room and waited while they searched. Some of us had classes to go to, so the police let them go. I was the only one who stayed the entire time they searched the house. They were particularly interested in one of my housemate's room, since he was the only one who has lived there for over a year. They took his computers, router, and some letters addressed to him back to their office in Sacramento for further research. They didn't leave the house until after 10 am. They created a huge mess at my house, and they didn't even bother cleaning it up. They also told me that my landlady is in charge of the door they broke. While I understand they are only doing their jobs, but I think it was way over the top to come rushing into our house at 6:30 in the morning, shouting, and pointing guns at people. Not to mention unnecessarily breaking down the door.

April 26, 2011

I awoke on the morning of April 26, 2011 to the sound of banging and shouting coming from the center of the house. I had just enough time to put on pants and run outside, thinking that there could be a robbery or possibly a fight of some sorts. Once I exited my room and entered the kitchen from the garage, I was greeted by some men who were shouting and had their guns drawn. Before I could ask what was going on, the nearest one, a shorter white male, shouted at me to turn around and put my hands behind my back. The man also had his gun drawn, held in his right hand pointed lightly downward in my direction. At this point I realized he was a cop, and did as he asked. The man holstered his gun momentarily to cuff me, tight enough to the point I had some red rings around my wrist by the time they took them off. I was then held by the arm and taken into the living room, and told to sit on the couch. Another man was leading my room mate (b)(6) into the living room by the arm, her hands also cuffed. We were seated on the couch in the living room. I was questioned on how many people were lived in the house, their names, and which rooms belonged to whom. A minute later (b)(6) another cuffed room mate, was taken into the living room in a tea shirt and some boxers. Once I had told them about my other two Vietnamese room mates that were in the master bedroom. Once I did another 2 or more gun drawn team banged on the door and asked for them to open the door. I heard the agents shouting from the room and I tried to tell them their English was not very good, but they told me to continue to tell them about the other parts of the house. I told them about the other two men in the back of the house, and that the Vietnamese man could not speak perfect English. I told them I didn't know the names of the Vietnamese people, but that a man named (b)(6) had lived here longer then most of us. At that one of the agents, the only one without his gun drawn at this point, and the same man who cuffed me, jumped on that subject asked me quite a few questions, most I cannot recall. I mostly told him that I knew very little about (b)(6) and told him that he was an unemployed custodian who tended to the garden, and that he had his own internet router. I was not sure why they wanted to know about the computers and routers in the house. Most of us looked shaken, and the two Vietnamese room mates looked terrified, having known very little on what was going on. As I tuned around on the couch to look into the back yard I could see other agents, but noticed one was pointing his gun directly at Jim, who had just exited the back yard. The same man questioning me before asked me a few more questions about the house, and I told them that there was a door in (b)(6) room that lead to the back portion of the house. A few moments went by where I could hear more yelling and banging from the back portion of the house, then I began to hear someone yelling to open a door. A minute later I heard 2 or three really loud bangs and something falling over. I assumed that it was the door in (b)(6) room at this point, wondering why they had broken down a door to a room they had previously cleared. After a few more moments a Vietnamese man joined us in the living room looking a distressed and terrified. (b)(6) was out back with 3 other agents as far as I could see, seated somewhere in the back yard. It was at this point I was told they had a warrant, and asked who owned the house and how long everyone had lived here. They asked me about the shed in the back, and getting a key for it or they would have to force their way into it. I told them it was my grandmother's house, and that my dad may have the key. They had someone assigned to each person it seemed, so as the others when around and collected

evidence, we were watched in silence. Most of my room mates where in skimpy pj's or underwear, and after a while of shivering one of the Vietnamese women asked for a jacket. A while later an agent brought a jacket for her and put it across her shoulders, though she couldn't put it on due to the hand cuffs. About half an hour later an agent began to take off the hand cuffs one by one, and asked us a few more questions, one of them being if we would wanted to get something warm from our rooms to wear. After we all got our warmer clothes on we were seated in the living room again, each asked to give identification. A man began collecting and taking apart the computers of the house, and ended up taking all of (b)(6) with him. After they had taken pictures of everyone, they took the two Vietnamese women into the back room for a while, and they came back about 20 minutes later fully clothed, looking slightly less distressed. I was taken into the room next, where I was shown the warrant. At this point I was read my writes and questioned some more. I was told that they were here looking for someone who had visited a child pornography cite. They asked me a few questions on my living situation, what my sexual preferences were, what cites I used, and how frequently I used them. I complied and told them everything they asked, even the stuff that was a bit personal. I was then lead back into the living room and saw the others seated there quietly. The agents all seemed to have put their guns away at this point. A few hours went by, where some of more personable agent made small talk and asked if we were ok. I can distinctly recall one of the Caucasian agents saying something about how they had "failed to communicate on this one". After a bit they let some of the other tenants go to where they needed too. I asked if I could grab my phone from the next room and then go over to my parents house across the street for some breakfast. A man lead me into my room to get my phone where I found my drawers of my dresser opened and searched, some of the contents scattered across my table. A small cardboard box labeled "Magic, The Gathering" containing a Magic card collection of mine had been ripped open, along with a plastic bag that my friend left here containing some coal that he uses for his hookah. After that I left the house.

Ultimately it was a very jumbled, disorganized, frightening, "out of no where" experience that is not exactly welcome at 6 am in the morning. I know the agent where just doing their job, but I felt that excessive force had been used and that there could have been some more communication to avoid the property damages, not to mention the mental and physical ones. Their was no need for them to have their guns, to break down any doors, or any other damage they may have caused my room mates. I cant speak for them, but I am told that there where more physical harm to my room mates then I experienced.

Signed, (b)(6)

My report

About 6.30 am on Tuesday, 26 April, 2011. There was a noise in front of our house when we were sleeping. Someone shouted, rang the doorbell and stepped on the front door. My colleague and I were very frightened so we lay doggo in our bedroom. 4 or 5 minutes later, there was a knock at the door and someone said: "open the door". Immediately someone stepped on my bedroom door powerfully, and I saw 4 or 5 big, strong men. They held a gun in their hands. They pointed guns at us. Then they ordered us to put our hands up and checked us. I was in fear of my life. I felt very cold and tired because I was 2 months pregnant. After that both of us were handcuffed. They ordered me to sit on the floor. We were taken into the living room. There were 3 housemates sitting there. All of them were handcuffed. That was the first time I had been handcuffed. At that moment I knew that those men around us were police. There were about 8 or 9 policemen. I did not understand what happened? Why we were handcuffed? After asking us about some information relating to us and taking photos, they opened our handcuffs. They said that they searched the house for investigating a man who used Internet for bad things. About 15 minutes later, some of us were free. We went to UC, Davis to work and study. I have been in a state of panic about that matter. What a terrible nightmare!

From: (b)(6)

To: (b)(6)

Date: Wed, Apr 27, 2011 6:13 pm

Dear (b)(6)

I am (b)(6) - rent your room. I sent my report about yesterday problem to you and you correct it for me.

What is Human right in US?

Yesterday, we had a big trouble with policeman in US – a country is considered the most free country, where the Human right is very important for everybody.

At about 6:30 am., very early morning since we usually stay up late, we heard many noises and many people shouted loudly. We did not understand what the matter was, we were very afraid and did not open the door. After that, we heard the bell ring (about 3 times) and many voices in English, but nobody opened the door (I thought that everybody was afraid of robber, or terrorist,...). Then, they broke the door and got into the house, they shouted very loudly, I did not know what they did, because I was in my room. After 9 or 10 minutes, we heard many strong noises in front of my room, many voices but we did not understand what they said. We did not open the door since we too frightened. So, they used their feet to break the door and 3 or 4 of them got into my room. They pointed their gun at my body directly. They forced us to hand up and then hand-cuffed our hands, also they forced us to sit down on the floor. We were so frightened that we could not say anything. At first, I thought they were terrorists, but they wore the police uniform (although they did not show anything to improve who they were). After that they forced us went out and sit down on the armchair in the living room. I saw that everybody staying in the house sit here and I could see that they wore the uniform with the letter: POLICE ICE IN AMERICA. They explained to everybody they were looking for someone who accessed illegal website. They asked us about the document (passport, ID card,...) and after I said to them where my passport was, they came to my room to open my wallet in my backpack in order to take my passport (without my agreement). Terribly, we were very cold because we only wore the night-clothes. When I asked them about the warm coat, they got into my room and took it for me. Then, they took off hand-cuff for everybody, took my photograph and permitted us to wash our face and could go to University if we want. They continued to check wireless, computer and searched thoroughly every room. I did not know when they left the house since I left from the house in order to go to my friend's house at about 7:30 am.

They did not say "sorry" or something like that. Until now, I can not imagine that in an innovative country such as US, policeman can have the right to do many things which break the human right. My nice imagination about American is broken.

Police Raid acct

account of police raid by

(b)(6)

(b)(6)

that took place on
tuesday april 25 between 6:00 AM
and 6:30 AM at
(b)(6)
Paris California 91616.

I awoke sometime after 6:00 AM
to the sound of police officers in
the back yard of my residence.
I share one of two bedroom
units in the back of the house
adjacent to the back yard.
I looked out the window and saw
police with guns drawn and

became concerned they were chasing a suspect through the back yard.

I left my bedroom to see if I could be of assistance but stopped at the bathroom to first relieve myself and proceeded to exit the back entrance of the two-rear bedroom units. There was another door that connected the main house to the rear units but it had been permanently sealed to provide additional security and privacy to the women tenant

living in the room where the door was located. As I left the bathroom to exit the house I could hear police yelling and banging doors in the main house. I went outside to talk to the officers in the back yard to find out what was happening. As I exited the rear unit entrance a police officer leveled his gun at me and told me to lay down. As I complied with the officers request I could hear the police on the other side

of the connecting sealed door
breaking the door down with a
ram rod from the tenants bedroom
side of the door. I tried to
explain to the officer holding
his gun on me that all they
had to ~~do~~ was walk out
the back entrance of the house
and walk through the ~~the~~ door
I had just walked out of
to gain entry to the rear unit.
By the time I finished explaining
this to the officer there were
already chunks of the door flying

into the ~~the~~ hallway and into the bathroom across from the door they were breaking down. Once they gained entrance through the broken door they proceed rough up and handcuff my rear unit roommate at gun point. They then handcuffed me and had us both sit ~~up~~ out in the back yard while the other officers in the main house continued their search for tenants.

I should point out that no one living at the residence attempted

in any way to resist the officers, every one was confused and panicked by the raid yet inspite of all our efforts to comply with the officers ~~was~~ we were subdued at gunpoint and handcuffed. It was not until after they had completely searched the house that we were shown a search warrant. A number of residence were so traumatised by the experience that they couldn't sleep and ~~at the~~ would have panic attacks anytime someone in the house would open and close

a door or could be heard walking down a hallway. Had the officers done ~~an~~ a better investigation before raiding the house they would have known there was no one living here who would even remotely pose a threat to them upon seeing a search warrant. The force was excessive, unnecessary, and uncalled for. The use of such force actually put everyone at far greater risk than if they had handled the situation in almost ~~any~~ other way. I should point out that

the trauma suffered by one of
our residents who was pregnant
led to a miscarriage four days
after the raid. It would seem
clear the only people threatening
the health and safety of children
as a consequence of this raid
were the agents conducting the
raid,

(b)(6)

May 2 2011

From: Vietnamese Visiting Scholar to UC Davis USA

(b)(6)

To Whom It May Concern:

I am pleased to present a matter to authorities:

At around 6 - 6:30 am, April 26, 2011 at the (b)(6) Davis, California 95616, USA, where the Vietnamese Visiting Scholars to UC Davis rent has stumbled arrests for no reason and violence that conducted by the ICE police force.

In the morning when I'm asleep, then heard a knock out and speaking in a loud voice outside and I did not understand what happened because I was in the back of the house. When that voice is too louder I got up and opened the door to see if anything, and saw a man came to and did not say police, and I did not understand what had happened and closed the door, man kicked and rushed to my door, step on a very strong around 30 seconds and then they say police.

When I knew police I immediately opened the door (this only happened in approximately 1 minute), when I opened the door when suddenly about 3-4 police rushed to the animal something I lay face down on the ground and punches straight into my head, then use handcuff to make throbbled pain for my hand before locked (makes my hands bruised and swollen) and to point gun at me.

After the barbaric act very quickly and that I was rushed into the garden in back yard, when I saw that a person with the name of (b)(6) is also handcuffed, and I was very cold but not to get clothing. Handcuffs locked around 15-20 minutes after asking me some questions. After I answered the questions I've been open handcuffs and sitting in the garden to wait for 20-30 minutes then I was leaded into my room to get passport and get clothes, and put me in the living room where I saw everyone to be there.

Early in the morning, (b)(6) also heard a knock out and speaking in a loud voice outside, and they also did not understand what happened outside and they think the robber and thought that should sit indoors. Then the police kicked the door to the room and around 3-4 police crashed into the room and pointed the guns into them, (b)(6) is required to sit on the bed and (b)(6) was required to sit down on the ground and handcuffed both them. Then they were moved to living room together.

When everyone was herded into the living room for getting information, passports and taking photo. Around 8:30 am, they allowed everybody to school.

However, until now everybody in this house still do not understand what had happened, and is anything still happen? Many people have been particularly painful, sick without consideration from authorized people and explanation (only (b)(6) the owner, and UC Davis stuffs are very interested and encouraged).

People feel insecure, psychologically affected. After the incident happened (b)(6) was bellyache and was rushed her to hospital, after 2 days she lost pregnancy (miscariage). My hand is swollen and headache until now (hand swollen was photographed by owner)

Up to now, I personally still do not understand people who came here, are they police? Because they when they came they did not explain or introduce anything, did not present a Police Card or let we know they are police.

I also want the authorities to explain this incident and to have responsibility for their activities.

We would like to say thank you for all your kinds help during our difficult time.

We respectfully request that the diplomatic agencies of Vietnam Government in the United States, UC Davis and (b)(6) (owner) to help us resolve this matter.

Date 28, April 2011

On behalf of Vietnamese visiting scholar team

(b)(6)

From: (b)(6)
To: (b)(6)
Subject: LETTER
Date: Mon, May 2, 2011 7:26 pm

At 6:30am on Tuesday, April 26th I was startled by the loud pounding and shouting. I was shocked by the event, demands for opening doors were audible as well as orders to get down. At first I thought I was overhearing an event of domestic violence or assault but when I saw several unmarked vehicles parked wildly on the sidewalk I suspected something else – perhaps a home invasion. The vehicles were parked next door at a home where several friends and acquaintances lived. After learning more details, I became very upset in the manner which officials handled the situation. (b)(6)

May 3, 2011

To whom it may concern,

On the 28th of April at 6:30 in the morning, I was awoken to loud pounding sounds and shouts of "Police, search warrant". The intense reverberations of (then unidentified) Homeland Security's shouting and door pounding was such that I believed they were investigating my house. I looked out my window to see a group of men surrounding my neighbors' house, and then retreated from my window out of fear. I shortly heard sounds of doors banging open, footsteps running across hard floors, more sounds of physical force being exerted on solid surfaces, and finally shouts of "Get down! Get down!". I was frightened both for my neighbors and myself by this unprecedented use of force, and continue to have difficulty understanding why such aggression was necessitated, particularly since it yields psychological damage for all parties directly and indirectly involved.

Sincerely, (b)(6)

April 26, 2011

I awakened later than usual, about 6:10 or so. Got up and made coffee. Took a cup back to bed. As I was reaching for my reading material one of my housemates, (b)(6) came to the door of my room and spoke my name. I could tell by his tone of voice there was a serious problem. He asked if I had heard "that." I replied that I had heard nothing. He told me that the police were banging on the door (b)(6) (next door) and yelling loudly, and that he had waited a bit to come tell me as he didn't want to awaken me. I slipped some sweats over my pajamas and putting my sandals on I went out through the garage to the front of the house. Looking both directions along (b)(6) I did not see any thing that looked like police cars. All looked and sounded quiet next door.

As I started next door, the neighbor directly across the street came out and called to me. I crossed the street to speak with him. He advised me to use caution as the police had gone into the house with their guns drawn. I said I didn't see any police cars. He pointed to several new looking SUVs parked down the street and said something to the effect of those were their cars and they seemed to have deliberately parked away from the front (b)(6). He told me the police had pounded on the door and yelled loudly enough for him to hear across the street that they were the police and had a search warrant.

I walked back across the street to the middle of the front yard (b)(6) I could see several officers inside. I started to call my grandson (b)(6) who is one of seven people living in the house, on my cell phone, then thought better of it. An agent came out of the house and asked if I was "the grandmother." I said something like what? Whose grandmother? I was then asked if I was the owner of the house to which I replied, "Yes." I asked if they had a warrant and when answered in the affirmative I asked to see it. I was told I could see it as soon as I produced the proper identification. At first I thought what was wanted was proof I owned the house but with a couple of questions I was made to realize my driver license would do. Another agent came out of the house and asked if I had the keys to the shed in the back. I told him my son had them, that I would get them and my driver license, and the shed would be unlocked after I had seen the search warrant.

I went back to my house, (b)(6) got my wallet and crossed the street to my son's house (b)(6). (b)(6) As I crossed the street I noticed two agents walking north on my side (b)(6). My son's door was locked so I called him on my cell phone and asked him to come quickly and let me in. I explained what little I knew, that there were police (b)(6) they had a warrant, and wanted the keys to the shed. When (b)(6) had dressed and gotten his keys we walked to the middle of the front yard (b)(6). I noticed two new looking SUVs, without license plates, had been moved to the front (b)(6) blocking the car belonging to (b)(6) (b)(6) one of the residents, in the driveway.

An agent who later identified himself as (b)(6) came out. I was shown the search warrant. Not having seen such before I could only surmise it was legitimate. I looked over the warrant and realized they were looking for evidence of child pornography. In response to some question or other I learned they were investigating some computer transmission of child pornography across international borders. I did not think to ask any of the officers for ID, nor did they offer any. They were wearing jackets that said "police" and "ICE" on the back as well as official looking badges.

My son said he was not sure which key in the bunch he was holding was the key they wanted. He was reluctant to give all his keys to the agent and asked if we could go around to the back of the house to the shed. (b)(6) gave his assent and the three of us walked around to the back of the house. I was told that they were not holding anyone and that all of the residents were free to leave and go about their business. (b)(6) started trying keys attempting to find the proper one. (b)(6) was sitting in a chair near the shed. After (b)(6) got the shed door open we were ushered out of the back yard. It was quite clear we were not going to be allowed to watch them search the shed. It also seemed apparent that we were not to enter the house though at no time did I, or my son, ask to do so.

As my son and I walked back towards the front of the house, accompanied by an agent, another of the tenants, (b)(6) a student from Chile here to study English at UCD, came around to get his bike so he could go to campus. He looked stricken. I asked if he was okay and he tried to reassure me he was.

I was asked several times about who lived (b)(6) last March. I was unable to think of anyone at first, other than (b)(6) and a man I referred to several times as "the fellow who used to work for my son." Although the agents seem quite interested in my providing them with names, they never once asked me the name of the "fellow who used to work for my son." I was asked if I wrote leases for the tenants. I replied that I did for those who were to stay for a year, but often did not for those who were only staying for

a quarter as most of the current tenants were. I mentioned that I thought a (b)(6) had been there a year ago, and my son and I discussed just when (b)(6) had moved, settling on the end of August, 2010. Asked if I had a forwarding address for him I replied that I didn't but could probably get one as I have several friends who also know him. Asked if he was still in the general area I said I thought so. I went back to my house at some point to see if I could find the leases from the year before but was unable to find them.

At some point I was asked rather casually where I kept my gun. I started to say I didn't have one, then amended it to I did have a pellet gun. I said it had belonged to my long dead ex-husband. Turning to my son I explained it had been his dad's. I had thought it was a real gun and had confiscated it when I filed for divorce. Years later I showed it to a friend who told me it was just a pellet gun and we bought some pellets for it as he was going to teach me how to shoot it. I have never fired it. Looking back towards the agent I said I was not even sure just where it is. I later asked the agent what sort of a gun it was that I supposedly had. I was told a 38 revolver is registered to someone with my name.

My son and I walked back across the street to his house. I said I needed to leave for class soon. (Somewhere in this sequence of events I had returned to my house, showered and dressed. I do not remember where in the sequence of events this happened.) (b)(6) asked if I had gotten a copy of the search warrant. I said I had not and he suggested I ask for one. We went back (b)(6) and waited until someone inside noticed us. I asked that I be given a copy of the search warrant. The agent who spoke with us said they would leave one when they had filled out the page that was blank with the items they were taking with them. I gave the man my card with my phone number, said I would likely be in class (b)(6) also gave him a card with his phone number and asked that he be called as he would be near-by. The agent, (b)(6), (b)(7)(C) gave me his card. This was the first that I realized I was dealing with agents from Homeland Security. While I did not know at the time what ICE stood for, I had noticed that the warrant had been requested by a federal official and signed by a federal judge when I was shown it. Nowhere on the warrant is the agency requesting or responsible for executing the warrant identified.

When I returned home about 4:30 that afternoon several of the residents began to tell me what had occurred. My housemates also told me what they had seen and heard. Their statements are attached. A copy of the search warrant including the list of confiscated items had been left for me by one of the tenants. As required, a list of items confiscated is included. While the warrant itself makes reference to an Attachment A it was not attached, nor did I see such when I was shown the warrant earlier. Attachment B, 4 pages listing the items that could be searched for and seized if found was included. No mention was made, either verbally when I spoke with agents, or on the written material left of any damages to the house itself. That damage consists of one solid interior sliding door and lock completely destroyed, one interior hollow core door and door jam damaged, one interior hollow core door and lock damaged, and damage to the floor in one bedroom. Nor has anyone contacted me concerning such damages.

About 6:30 pm the following Friday, April 29, 2011, (b)(6) came into my office (garage) (b)(6) asking that I come see her roommate (b)(6) looked rather pale to me. She explained she had had abdominal pain the afternoon of the 26th but that the pain had gone away. Then about noon on the 29th she noticed some dark brown spotting. Afraid she might be miscarrying, I said we should go to the emergency room at Sutter Davis Hospital which we did. We were at the hospital until about 1:30 or 2:00 am. (b)(6) was miscarrying.

(b)(6)

A number of questions and concerns have come to my mind since that Tuesday morning.
Why was what appears to be an excessive amount of force deemed necessary considering that:

No one offered any resistance.

The agents were told that several residents were not fluent in English.

Three of the residents are small, slight of build females.

What constitutes legal notification of police identity? Is it sufficient to waken people by yelling loudly while pounding on doors?

In a multi-cultural society is it not considered necessary to determine if what is being yelled is understood?

In the context of a university community, whose university, University of California, Davis, is internationally known for its outreach programs to international universities, scholars, and students this lack of consideration is bewildering.

Is the possibility that occupants wakened by repeated loud banging, bell ringing, and shouting might be terrified ever even considered in such circumstances?

When in the course of conducting a search must the search warrant be shown, and to whom? Is it sufficient to simply state, or yell loudly outside a closed door, that a warrant exists or must the warrant be physically exhibited? Is it necessary to ascertain whether or not those affected by the search understand what is occurring and why?

Since the search warrant, signed by a federal judge on Monday, April 25th was valid until May 9th why was it deemed necessary to execute the warrant early the following Tuesday morning rather than gathering information about who the occupants of the house were, especially since the alleged transmission of child pornography apparently took place over a year ago?

Was the possibility that the alleged perpetrator and/or possible incriminating materials might no longer be in the house being searched given the time passed since the alleged event occurred even considered by those in charge of conducting the search?

Given that the search and seizure warrant named only things, not persons, why was the raid staged at a time when occupants could be presumed to be present, and quite probably asleep?

If it can be determined that the stress of the incident played a role in the miscarriage of (b)(6) who pays her medical bills? Who compensates her for the loss of a badly wanted child assuming it is possible to compensate someone for such a loss?

Who pays for counseling for the psychological stress and perhaps post traumatic stress disorder incurred by terrified innocent people?

Who pays for the damages to my house? Why were these damages not documented? Why have I not been advised that such damages occurred? Had a minimal amount of information been obtained beforehand and/or at the scene would such damage have been considered necessary?

Would it not have been possible to contact me, show me the warrant, and ask me to cooperate in providing access to the house and tenant consent for the search, as well as information regarding present and past tenants? If not, why not? Was it not possible to announce their presence and purpose in a manner that would not have resulted in people being too terrified to open their doors? Do the arguments for not doing so supersede the rights and safety of innocent until proven guilty people?

Much of the house was searched prior to the occupants being aware a search warrant existed and prior to their being shown such. Does this then constitute a legal search and seizure operation?

My understanding of this incident is that the agents were looking for things, specifically computer and other technological evidence of child pornography. This was not a drug raid. This was not a search for any person. As of this date no one has been detained, arrested, or charged with a crime. Nor, according to the search warrant was any particular person expected to be. Do these facts justify a forced entry at gunpoint and forced detainment and handcuffing of terrified and non-resisting innocent until proven guilty people? Does such forced detainment violate their rights guaranteed by the Fourth Amendment? Do these facts justify the risk of people being shot and possibly killed? Are the injuries, both psychological and physical, sustained by the residents and the damages done to the house simply considered "collateral damage"? In what conceivable way did the actions of the ICE agents contribute to our national security?

Who protects us citizens and visitors from foreign countries from those whose job it is to protect us? How would the American government respond to such treatment of its nationals in other countries?

(b)(6)



View of damaged door in (b)(6) room from bedroom. Doorknob visible is on open exit door from back hallway to outside. Open doorway visible is to bath room.



*View of damaged door in
room from bedroom.*

(b)(6)



View of damaged door in
from hallway.

(b)(6)

room



View of damaged door in (b)(6) room
from hallway.

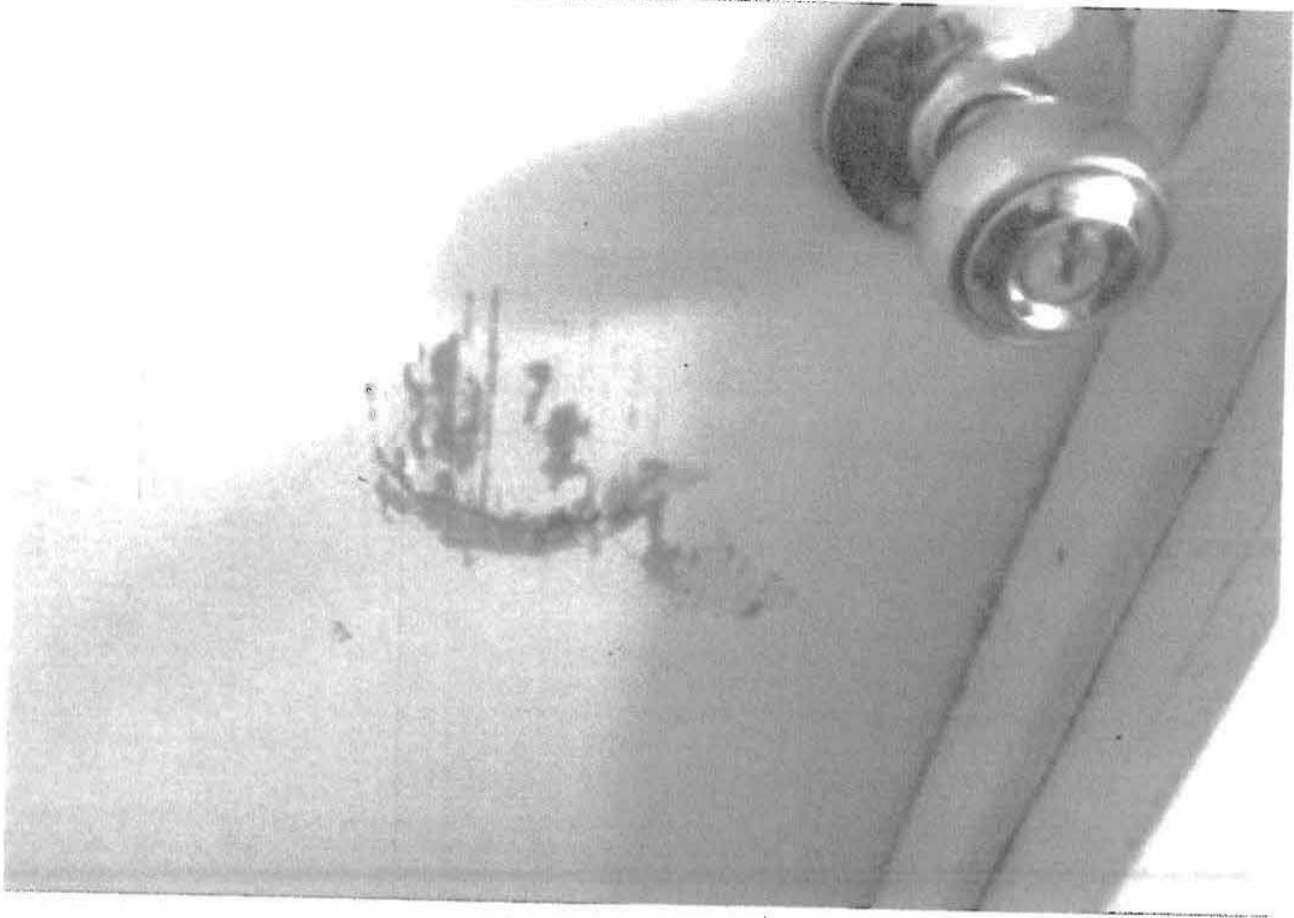
Door knob that is visible is on exit door leading
from hall way to outside. Door is open.



view of damage to floor in (b)(6) room



Damage to floor in (b)(6) room



View of damage to door to (b)(6) room
from hallway side.



(b)(6) hands. Note swelling and bruising
of left hand.

(b)(6)

BILLING INVOICE

Invoice # 540-1-11

Date: 04/27/2011

To: (b)(6) Davis, CA 95616

Job Location: (b)(6) Davis CA 95616

Please pay for the following work performed:

Remove and replace slider door between bedroom and back hallway.
Install new lock on door. Paint door.

Labor and materials: \$200.00

Thank you.

(b)(6)

Date 4/27/11

Bonded * Insured * PL & PD * CA. Contractors Lic. (b)(6)
CA. Consumers Affairs ST. Contractors Lic. Board

(b)(6)

Estimate

Invoice # 540-2-11

Date: 04/27/2011

To: (b)(6) Davis, CA 95616

Job Location: (b)(6) Davis CA 95616

Repair and paint back bedroom door.
Repair and paint door jam.

Labor and Materials: \$100

Repair/adjust lock on front bedroom door.
Paint door.

Labor and Materials: \$65

Remove and replace damaged Pergo flooring in bedroom with slider door.

Labor and Materials: \$500

Total Labor and Materials: \$665

Thank you.

(b)(6)

Date 4/27/11

Bonded * Insured * PL & PD * CA. Contractors Lic. (b)(6)
CA. Consumers Affairs ST. Contractors Lic. Board

Copies to:

Department of Homeland Security Office of Civil Rights and Civil Liberties

Mailed to: CRCL/Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop #0190
Washington, DC 20528

ICE Office of Professional Responsibility

Mailed to: Resident Agent in Charge - San Francisco
1111 Jackson Street, Suite 555
Oakland, CA 94607

(b)(6),(b)(7)(C)

Supervisory Special Agent

Mailed to: DHS Homeland Security Investigations
650 Capitol Mall, Suite 7-200
Sacramento, CA 95814

Edmund F. Brennan, US Magistrate Judge

Mailed to: United States District Court for the Eastern District of CA
C/o Clerk's Office, United States Court House
501 I Street, Sacramento, CA 95814

Secretary Janet Napolitano

Mailed to: Department of Homeland Security
United States Department of Homeland Security
Washington D.C. 20528

(b)(6)

UCD Campus Counsel

Hand Delivered: Office of the Chancellor, University of California - Davis
One Shields Avenue
Davis, CA 95616-8558

(b)(6)

Deputy Consul General

Consulate General of Vietnam
1700 California Street, Suite 430
San Francisco, CA 94109

Senator Barbara Boxer

Hand Delivered: Sacramento Office
501 I Street, Suite 7-600
Sacramento, CA 95814

Congressman Mike Thompson

Hand Delivered: Yolo District Office
712 Main Street, Suite 101
Woodland, CA 95695

Yolo County Supervisor Don Saylor

Hand Delivered: Don Saylor, Davis, CA

City of Davis Mayor Joe Krovoza

Hand Delivered: Davis City Hall, 23 Russell Blvd., Davis, CA 95616



Homeland
Security

November 28, 2012

(b)(6)

Davis, California 95617

Re: Complaint No. 11-08-ICE-0248

Dear (b)(6)

This letter is a follow-up to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on May 18, 2011, regarding Immigration and Customs Enforcement's (ICE) service of a search warrant at a residence that you own and that is rented by several tenants. In your complaint, you alleged that ICE officials used excessive force against one of your tenants and caused damage to the interior of the residence.

In addition to CRCL, ICE Office of Professional Responsibility (OPR) also received your complaint. OPR investigated your complaint and provided CRCL a copy of a report documenting its investigation. According to the report, OPR interviewed you, two of the tenants present during the service of the search warrant, and the ICE agents who participated in the service of the search warrant. The agents indicated that while conducting a protective sweep of the residence, ICE officials pursued one of the tenants of the residence, (b)(6) into a bedroom. Mr. (b)(6) was subsequently apprehended and handcuffed. ICE officials removed the handcuffs from Mr. (b)(6) and the other tenants once it was determined that the residence was safe for officials to search. The report also states that Mr. (b)(6) did not complain of any injuries to ICE officials. Finally, Mr. (b)(6) did not submit a statement regarding the incident.

Accordingly, based on our review of the facts and circumstances presented in this matter, we are unable to substantiate your complaint and we are closing this matter. We appreciate your bringing this complaint to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties.

If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Blumberg".

Jeffrey S. Blumberg

Director for Compliance
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

**DEPARTMENT OF HOMELAND SECURITY
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES
COMPLAINT SUMMARY FORM**

To be placed under the first left tab of the complaint folder

Summary Prepared By:	(b)(6)	Date Prepared:	6/24/2011
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Identifying Information

Complainant/ Individual's FN:	(b)(6)	MN:	LN:	(b)(6)
Individual's Alien number:	(b)(6)			
Third Party's FN (Written By):	(b)(6)	Third Party's LN (Written By):	(b)(6)	
Third Party's Organization:				
Source Name/ Office/Agency (e.g., other DHS component, government agency, or NGO referring the complaint to CRCL, not representing the complainant)	NOTE: This complaint was also made on behalf of Dr (b)(6) tenants (b)(6) (b)(6)			

If the Complaint file would be more appropriately labeled with a phrase other than an individual complainant's name, type that tagline/name here:

Special Category (check any that apply)

- | | |
|--|---|
| ☐ Sexual Abuse (PREA) | ☐ ICE 287(g) Program |
| ☐ Language Issues | ☐ ICE Secure Communities Program |
| ☐ Recipients of Federal Financial Assistance | ☐ DHS OIG Referral to CRCL |
| ☐ Medical Issues | ☐ CBP Referral to CRCL |
| ☐ Mental Health Issues | ☐ ICE Referral to CRCL |
| ☐ DHS Traveler Redress Inquiry Program (TRIP) | ☐ FPS Referral to CRCL |
| ☐ Deaths – Further Action | ☐ Other (please specify) |
| ☐ Deaths – No Further Action | |

Allegation

Received by DHS:	5/17/2011	Received by CRCL:	5/18/2011
Allegation Type:	Civil Right/Civil Liberty		
Incident Date:		Time of Incident:	

FOR OFFICIAL USE ONLY / LAW ENFORCEMENT SENSITIVE

February 2011

(If this is a recurring incident or condition, list date range[s]):			
Summary of Allegation(s):	On May 18, 2011, CRCL received standard mail correspondence from (b)(6) (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on April 26, 2011. Ms. (b)(6) included letters from each of her tenants and the photos of damage and physical harm. The letters from Ms. (b)(6) and her tenants allege that the ICE agents pointed their guns at tenants, forced them to the ground and handcuffed them tightly enough to cause bruises and punched one in the head, and damaged the property. This complaint was also made on behalf of her tenants (b)(6) (b)(6)		
Compliance Director's Recommendation:	COMMENTS: On 6/23/11 Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a Short Form, and recommended that it be handled as a [complaint] Complaint assigned to		

Allegation Details

Primary Issue:	Use of force, search warrant	Primary Basis:	
Secondary Issue:		Secondary Basis:	

Select additional Secondary Issues and Secondary Bases if necessary. Add additional rows to the table above.

Categories from which to Select Allegation Issues and Bases

Allegation Issue Categories:

Abuse of Authority/Color of Law

**Conditions of Detention

Discrimination

Due Processing/Administrative Processing

Profiling

Treatment

Unaccompanied Minors

Allegation Basis Categories:

Age

Citizenship (specify)

Color (specify whether dark, medium or light complexion)

Detainee

Disability (mental)

Disability (physical)

Harassment

Inappropriate touching

Limited English Proficiency

National Origin (specify)

Non-Detainee

Race (specify race)

Racial Harassment

Referral to secondary

Religion (specify religion)

Retaliation

Rude, unprofessional conduct

Sex (specify whether male or female)

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February 2011

Sexual Harassment

Ethnicity (specify ethnicity. "Hispanic/Latino" is a selection in this category.)

Other (please specify)

[If the complaint involves an Unaccompanied Minor as a complainant/victim, the Primary Issues is Unaccompanied Minors.]

Involved Parties

Component Selection List: DHS HQ, DHS, CBP, FEMA, FLETC, ICE, TSA, USCG, USCIS, USSS

Component(s) Referenced (If complaint involves multiple components, list DHS):	ICE
Component(s) Involved (list all that apply, based on the above checklist):	ICE
Individual(s) (list name, title/position, and employment location. State if the individual is a subject of the complaint.):	1.

Location(s) of Incident(s)

Incident Location Type (check all that apply):

- | | |
|--|---|
| ☐ Airport | ☐ Street Stop |
| ☐ Airplane | ☐ Place of Business |
| ☐ BCIS Facility | ☐ Residence |
| ☐ Border and Fixed Checkpoint | ☐ Detention IGSA |
| ☐ Government Building | ☐ Detention SPC |
| ☐ Seaport | ☐ Detention CDF |
| ☐ Ship | ☐ Other (please specify) |

Incident Location (list name of airport or port of entry or other location):	Private Home		
City:	Davis	State:	California

If this complaint involves more than one incident location, list each location separately.

If the alleged incident occurred outside the U.S., identify the city and county where it occurred.

Notes

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February 2011

Notes:	
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DRAFT

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February 2011



**Homeland
Security**

June 24, 2011

(b)(6)

Davis, CA 95617

Re: Complaint No. 11-08-ICE-0248 on behalf of

(b)(6)

Dear

(b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on May 18, 2011. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by this Office. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL will contact you with the anticipated course of investigation for your complaint and will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at crcl@dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, see our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,



Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to

www.dhs.gov/CRCL. To learn more about the Privacy Act, go to the Federal Information Center,
www.pueblo.gsa.gov.



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
COMPLAINT WITHOUT RECOMMENDATIONS
CLOSURE MEMORANDUM

To: (b)(6)
From:
Date: November 28, 2012
Complaint Number: 11-08-ICE-0248
Complainant Name (Alien Number): (b)(6)

Reason(s) for Closure without Recommendations (check all that apply):

☐ Insufficient information to investigate ☐ Withdrawal of complaint ☐ Lack of jurisdiction ☐ Allegation(s) untimely/overtaken by events ☐ Component and/or facility has already corrected the problem ☒ Allegation(s) against component, individual, and/or facility unfounded or unsubstantiated	☐ Allegation(s) substantiated but does not warrant recommendations ☐ No finding of detention standards violations ☐ No finding of policy or procedure violations ☐ Complaint added to information layer and closed (linked) ☐ Complaint being handled as part of another related complaint (related) ☐ Other (provide details):
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Complaint Synopsis and Explanation of Closing Rationale:

On May 18, 2011, CRCL received correspondence from (b)(6) regarding an ICE execution of a Search and Seizure Warrant at her residential property in Davis, California. (b)(6) owns the residential property that she rents to multiple residents. On April 26, 2011, (b)(6) alleged that ICE agents used excessive force in the execution of the warrant, entering the house with guns drawn, forcibly restrained and handcuffed residents, injuring one resident, and causing damage and destruction of the residential property. (b)(6) expressed concern regarding the injuries sustained by (b)(6) and (b)(6) who was pregnant at the time of the incident and subsequently miscarried her baby. (b)(6) further alleged that ICE agents caused damage to her property when they broke through an interior door with a battering ram, causing damage to the door and the floor.

An officer executing a search warrant has a duty to conduct the search in a reasonable manner and to avoid unnecessary damage to property of innocent third parties. Brutsche v. City of Kent, 164 Wash. 2d 664 (2008). Destruction of property that is not reasonable necessary to effectively execute the warrant is a violation of the Fourth Amendment. Lyles v. City of Barling, 17 F. Supp. 2d 848 (W.D. Arkansas 1998). Where law enforcement officers used a battering ram to enter a home, damaging doors in executing a search warrant, even though the property owner offered to use his keys to allow them to enter, the Supreme Court of Washington held that the officers did not engage in unreasonable conduct because they were searching for evidence of drug manufacture which was potentially dangerous, and the homeowner's son, a suspect, had barricaded himself in the home, and there was a danger that evidence would be destroyed if the officers were delayed. Brutsche, 118 – 119. Where law enforcement officers were not looking for something small and easily hidden and where there was no one inside the building who could destroy the evidence, the court held that destruction of property, such as breaking down the front

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door, was not reasonably necessary to execute the warrant and therefore a violation of the Fourth Amendment. Turner v. Fallen, 1993 WL 15647 (N.D. Ill. 1993). Similarly where officers unnecessarily used a battering ram to break down inner doors, where there was no one had run inside to hide or barricade themselves, and no evidence that could be hidden or destroyed, the court found a violation of the Fourth Amendment. Mena v. City of Simi Valley, 226 F. 3d 1031 (9th Cir. 2000).

On May 11, 2011, ICE OPR received a letter from Ms. (b)(6) containing the above-referenced allegations. As a result, ICE conducted an Administrative Inquiry interviewing Ms. (b)(6) two tenants, and ICE personnel. The resulting Administrative Inquiry Report, Case No. 201108334, Report No. 001, dated January 31, 2012, closed the inquiry without being referred for Agency action, finding that the authorized search was conducted according to Agency Policy and Procedures including the Agency's Use of Force policy. The interviews with Ms. (b)(6) her tenants, and the ICE officers indicate that the agents entered the residence based on a search warrant signed and authorized by a federal judge/magistrate. During the service of the search warrant, agents conducted a protective sweep, handcuffing and gathering the residents in one center room. ICE Special Agents (SA) (b)(6),(b)(7)(C) made contact with Mr. (b)(6) a resident of the home. According to SA (b)(6),(b)(7)(C) he encountered Mr. (b)(6) in the hallway and once the ICE agents identified themselves, Mr. (b)(6) ran into his bedroom, shutting and locking the door. SA (b)(6),(b)(7)(C) breached the door and saw Mr. (b)(6) step to the back of the room. SA (b)(6),(b)(7)(C) then grabbed him and brought him to the floor, as he and SA (b)(6),(b)(7)(C) handcuffed him on his bed. SA (b)(6),(b)(7)(C) stated that Mr. (b)(6) had refused to comply with verbal commands and resisted being handcuffed, which resulted in him being forced to the floor. Shortly after, they removed all of the handcuffs, including Mr. (b)(6).

The SAs all state that no one complained about being injured to them. They remember Ms. (b)(6) stated she had to go to class and was hungry, so she was allowed to make breakfast in the kitchen and leave for school on her bicycle. Ms. (b)(6) was unable to provide contact information for Ms. (b)(6).

CRCL agrees with the Administrative Inquiry Report and finds that ICE's actions were reasonably necessary to effectively execute the warrant. The ICE agents did not know where the computer pornography was hidden, so they had to search the house. And given Mr. (b)(6) actions, for officer safety and protection of evidence, they reasonably breached the door to restrain him. Based on CRCL's legal research on this matter and agreement with the ICE OPR Administrative Inquiry Report, I recommend that we close the complaint without further action.

Suggested Closure Method(s) (check all that apply):

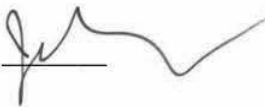
- | | |
|---|--|
| ☒ Close letter to complainant | ☐ Close email/memo to component |
| ☐ Phone call | ☐ High level component communication |
| ☐ No notification necessary | ☐ Close Memo (No contact information) ¹ |
| ☐ Other (provide details): | |

¹ Typically this occurs when a complainant has been removed from the United States and no contact information is available.

Comments (optional):

For Completion by Reviewer:

Closure Recommendation Accepted _____

A handwritten signature in black ink, appearing to be 'J. W.', is written over the line for 'Closure Recommendation Accepted'.

Closure Recommendation Not Accepted _____

Further Action Required: _____

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DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-0869 11-08-ICE-0248 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-06-16 16:56	Update	Summary	On May 18, 2011, CRCL received standard mail correspondence from (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on April 26, 2011. (b)(6) included letters from each of her tenants	7642	(b)(6)	User Change
DhsComplaint	2011-06-16 15:38	Create	Entry Date	06/16/2011	7642		User Change
DhsComplaint	2011-06-16 15:38	Create	Method of Receipt	Standard Mail	7642		User Change
DhsComplaint	2011-06-16 15:38	Create	Sender Type	Individual	7642		User Change
DhsComplaint	2011-06-16 15:38	Create	Date on Correspondence	05/10/2011	7642		User Change
DhsComplaint	2011-06-16 15:38	Create	Date to DHS	05/17/2011	7642		User Change
DhsComplaint	2011-06-16 15:38	Create	Date to CRCL	05/18/2011	7642		User Change
DhsComplaint	2011-06-16 15:38	Create	Days to Process	29	7642		User Change
DhsComplaint	2011-06-16 15:38	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7642		User Change
DhsComplaint	2011-06-16 15:38	Create	Executive Summary	On May 18, 2011, CRCL received standard mail correspondence from (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on April 26, 2011.	7642		User Change
DhsComplaint	2011-06-16 15:38	Create	Summary	On May 18, 2011, CRCL received standard mail correspondence from (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on April 26, 2011. (b)(6) included	7642		User Change

DhsComplaint	2011-06-16 15:38	Create	Component Referenced	letters from each of her tenants ICE	7642	(b)(6)	User Change
DhsComplaint	2011-07-27 13:07	Update	Summary	(b)(5) On May 18, 2011, CRCL received standard mail correspondence from (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on April 26, 2011	7642	(b)(6)	User Change
DhsComplaint	2011-07-27 13:07	Update	Executive Summary	(b)(5) On May 18, 2011, CRCL received standard mail correspondence from (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on	7642	(b)(6)	User Change
DhsComplaint	2011-07-27 13:07	Update	Days to Process	70	7642	(b)(6)	User Change
DhsComplaint	2011-08-25 08:56	Update	Summary	(b)(5) On May 18, 2011, CRCL received standard mail correspondence from (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on	7642	(b)(6)	User Change
DhsComplaint	2011-08-25 08:56	Update	Days to Process	99	7642	(b)(6)	User Change
DhsComplaint	2011-08-25 08:57	Update	Summary	(b)(5) On May 18, 2011, CRCL received standard mail correspondence from (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on	7642	(b)(6)	User Change
DhsComplaintAction	2013-01-09 15:46	Create	Action	Closed - Short Form/No Further Action	109195	(b)(6)	User Change
DhsComplaintAction	2013-01-09 15:46	Create	Internal Summary	On May 18, 2011, CRCL received a complaint from (b)(6) regarding ICE's execution of a search and seizure warrant on her property, alleging excessive use of force. ICE conducted an administrative inquiry finding that the authorized search was conducted	109195	(b)(6)	User Change

DhsComplaintAction	2013-01-09 15:46	Create	Action Date	11/28/2012	(b)(6)	109195	User Change
DhsComplaintAction	2013-01-09 15:46	Create	Document	Final SF Close Memo (b)(6).pdf	(b)(6)	109195	User Change
DhsComplaintAction	2013-01-09 15:46	Create	Reporting Summary	On May 18, 2011, CRCL received a complaint from (b)(6) regarding ICE's execution of a search and seizure warrant on her property, alleging excessive use of force. ICE conducted an administrative inquiry finding that the authorized search was conducted	(b)(6)	109195	User Change
DhsComplaintAction	2011-11-09 08:39	Create	Action	Retained in CRCL		106410	User Change
DhsComplaintAction	2011-11-09 08:39	Create	Action Date	11/09/2011		106410	User Change
DhsComplaintAction	2011-07-05 12:25	Create	Action	IG Declines/Back from IG		105389	User Change
DhsComplaintAction	2011-07-05 12:25	Create	Document	11-08-ICE-0248 (Additional info needed) (OIG Repose nse 7 5 2011).pdf		105389	User Change
DhsComplaintAction	2011-07-05 12:25	Create	Action Date	07/05/2011		105389	User Change
DhsComplaintAction	2011-07-05 12:26	Create	Action	Awaiting Recommendation		105390	User Change
DhsComplaintAction	2011-07-05 12:26	Create	Action Date	07/05/2011		105390	User Change
DhsComplaintAction	2011-07-12 13:30	Create	Action Date	07/12/2011		105497	User Change
DhsComplaintAction	2011-07-12 13:30	Create	Action	Recommendation Review		105497	User Change
DhsComplaintAction	2011-07-12 13:31	Create	Action Date	07/12/2011		105498	User Change
DhsComplaintAction	2011-07-12 13:31	Create	Action	Back from Officer		105498	User Change

DhsComplaintAction	2011-07-12 13:31	Create	Primary Assignment	(b)(6)	(b)(6)	105498	User Change
DhsComplaintAction	2011-07-12 13:31	Create	Comments	short form		105498	User Change
DhsComplaintAction	2012-07-17 12:17	Update	Action	Short Form		106410	User Change
DhsComplaintAction	2011-06-24 10:22	Create	Action	Open a Complaint		105311	User Change
DhsComplaintAction	2011-06-24 10:22	Create	Action Date	06/24/2011		105311	User Change
DhsComplaintAction	2011-06-24 10:22	Create	Comments	Per instructions from Jeff Blumberg, Open as short form .		105311	User Change
DhsComplaintAction	2011-06-24 10:23	Create	Action	Sent to IG		105312	User Change
DhsComplaintAction	2011-06-24 10:23	Create	Action Date	06/24/2011		105312	User Change
DhsComplaintAction	2011-06-24 10:37	Create	Document	CRCL Acknowledgement letter (b)(6) 11-08-ICE-0248.pdf		105314	User Change
DhsComplaintAction	2011-06-24 10:37	Create	Action	Acknowledgement Letter Sent		105314	User Change
DhsComplaintAction	2011-06-24 10:37	Create	Action Date	06/24/2011		105314	User Change
DhsComplaintDocument	2011-06-24 10:50	Create	Document 1	~\$mplaint Summary Form111-08-ICE-0248 (b)(6) .docx		84313	User Change
DhsComplaintDocument	2011-06-24 10:50	Create	Foreign Language	No		84313	User Change
DhsComplaintDocument	2011-06-24 10:50	Create	Dateentered	06/24/2011		84313	User Change
DhsComplaintDocument	2011-06-24	Create	Document Type	Draft Response		84313	User

	10:50						(b)(6)	Change
DhsComplaintDocument	2011-06-24 10:51	Delete					84313	User Change
DhsComplaintDocument	2011-06-24 10:51	Create	Document 1		Complaint Summary Form111-08-ICE-0249 (b)(6).docx		84314	User Change
DhsComplaintDocument	2011-06-24 10:51	Create	Foreign Language		No		84314	User Change
DhsComplaintDocument	2011-06-24 10:51	Create	Dateentered		06/24/2011		84314	User Change
DhsComplaintDocument	2011-06-24 10:51	Create	Document Type		Draft Response		84314	User Change
DhsComplaintDocument	2011-06-16 16:42	Create	Document 1		5 18 2011 (b)(6).pdf		84247	User Change
DhsComplaintDocument	2011-06-16 16:42	Create	Foreign Language		No		84247	User Change
DhsComplaintDocument	2011-06-16 16:42	Create	Dateentered		06/16/2011		84247	User Change
DhsComplaintDocument	2011-06-16 16:42	Create	Document Type		Incoming Letter		84247	User Change
DhsComplaintDocument	2012-10-16 12:41	Create	Document Type		ROI		88202	User Change
DhsComplaintDocument	2012-10-16 12:41	Create	Foreign Language		No		88202	User Change
DhsComplaintDocument	2012-10-16 12:41	Create	Dateentered		10/16/2012		88202	User Change
DhsComplaintDocument	2012-10-16 12:41	Create	Document 1		AIR Closing Report.out		88202	User Change
DhsComplaintDocument	2012-10-16 12:55	Create	Document Type		ROI		88203	User Change
	2012-							

DhsComplaintDocument	10-16 12:55	Create	Document 2	Exhibit 22aa.JPG	88203	(b)(6)	User Change
DhsComplaintDocument	2012- 10-16 12:55	Create	Document 4	Exhibit 22b.JPG	88203		User Change
DhsComplaintDocument	2012- 10-16 12:55	Create	Document 5	Exhibit 22bb.JPG	88203		User Change
DhsComplaintDocument	2012- 10-16 12:55	Create	Foreign Language	No	88203		User Change
DhsComplaintDocument	2012- 10-16 12:55	Create	Comments	Exhibits Photos	88203		User Change
DhsComplaintDocument	2012- 10-16 12:55	Create	Dateentered	10/16/2012	88203		User Change
DhsComplaintDocument	2012- 10-16 12:55	Create	Document 3	Exhibit 22aaa.JPG	88203		User Change
DhsComplaintDocument	2012- 10-16 12:55	Create	Document 1	Exhibit 22a.JPG	88203		User Change
DhsComplaintDocument	2012- 10-16 12:56	Create	Document Type	ROI	88204		User Change
DhsComplaintDocument	2012- 10-16 12:56	Create	Document 2	Exhibit 22c.JPG	88204		User Change
DhsComplaintDocument	2012- 10-16 12:56	Create	Document 4	Exhibit 22ccc.JPG	88204		User Change
DhsComplaintDocument	2012- 10-16 12:56	Create	Document 5	Exhibit 22d.JPG	88204		User Change
DhsComplaintDocument	2012- 10-16 12:56	Create	Foreign Language	No	88204		User Change
DhsComplaintDocument	2012- 10-16 12:56	Create	Dateentered	10/16/2012	88204		User Change
DhsComplaintDocument	2012- 10-16 12:56	Create	Document 3	Exhibit 22cc.JPG	88204		User Change

DhsComplaintDocument	2012-10-16 12:56	Create	Document 1	Exhibit 22bbb.JPG	88204	(b)(6)	User Change
DhsComplaintDocument	2012-10-16 12:57	Create	Document Type	ROI	88205		User Change
DhsComplaintDocument	2012-10-16 12:57	Create	Document 2	Exhibit 22ddd.JPG	88205		User Change
DhsComplaintDocument	2012-10-16 12:57	Create	Document 4	Exhibit 22ee.JPG	88205		User Change
DhsComplaintDocument	2012-10-16 12:57	Create	Document 5	Exhibit 22eee.JPG	88205		User Change
DhsComplaintDocument	2012-10-16 12:57	Create	Foreign Language	No	88205		User Change
DhsComplaintDocument	2012-10-16 12:57	Create	Dateentered	10/16/2012	88205		User Change
DhsComplaintDocument	2012-10-16 12:57	Create	Document 3	Exhibit 22e.JPG	88205		User Change
DhsComplaintDocument	2012-10-16 12:57	Create	Document 1	Exhibit 22dd.JPG	88205		User Change
DhsComplaintDocument	2012-10-16 12:58	Create	Document Type	ROI	88206		User Change
DhsComplaintDocument	2012-10-16 12:58	Create	Document 2	Exhibit 22ff.JPG	88206		User Change
DhsComplaintDocument	2012-10-16 12:58	Create	Document 4	Exhibit 22gg.JPG	88206		User Change
DhsComplaintDocument	2012-10-16 12:58	Create	Document 5	Exhibit 22h.JPG	88206		User Change
DhsComplaintDocument	2012-10-16 12:58	Create	Foreign Language	No	88206		User Change
DhsComplaintDocument	2012-10-16	Create	Dateentered	10/16/2012	88206		User

	12:58						(b)(6)	Change
DhsComplaintDocument	2012-10-16 12:58	Create	Document 3	Exhibit 22g.JPG		88206		User Change
DhsComplaintDocument	2012-10-16 12:58	Create	Document 1	Exhibit 22f.JPG		88206		User Change
DhsComplaintDocument	2012-10-16 12:59	Create	Document Type	ROI		88207		User Change
DhsComplaintDocument	2012-10-16 12:59	Create	Document 2	Exhibit 22i.JPG		88207		User Change
DhsComplaintDocument	2012-10-16 12:59	Create	Document 4	Exhibit 22j.JPG		88207		User Change
DhsComplaintDocument	2012-10-16 12:59	Create	Document 5	Exhibit 22k.JPG		88207		User Change
DhsComplaintDocument	2012-10-16 12:59	Create	Foreign Language	No		88207		User Change
DhsComplaintDocument	2012-10-16 12:59	Create	Dateentered	10/16/2012		88207		User Change
DhsComplaintDocument	2012-10-16 12:59	Create	Document 3	Exhibit 22j.JPG		88207		User Change
DhsComplaintDocument	2012-10-16 12:59	Create	Document 1	Exhibit 22hh.JPG		88207		User Change
DhsComplaintDocument	2012-10-16 13:00	Create	Document Type	ROI		88208		User Change
DhsComplaintDocument	2012-10-16 13:00	Create	Document 2	Exhibit 22l.JPG		88208		User Change
DhsComplaintDocument	2012-10-16 13:00	Create	Document 4	Exhibit 22m.JPG		88208		User Change
DhsComplaintDocument	2012-10-16 13:00	Create	Document 5	Exhibit 22mm.JPG		88208		User Change
	2012-							

DhsComplaintDocument	10-16 13:00	Create	Foreign Language	No		88208	(b)(6)	User Change
DhsComplaintDocument	2012- 10-16 13:00	Create	Dateentered	10/16/2012		88208		User Change
DhsComplaintDocument	2012- 10-16 13:00	Create	Document 3	Exhibit 22Il.JPG		88208		User Change
DhsComplaintDocument	2012- 10-16 13:00	Create	Document 1	Exhibit 22kk.JPG		88208		User Change
DhsComplaintDocument	2013- 01-09 15:42	Create	Document 1	(b)(6) Final Close Letter.pdf		89061		User Change
DhsComplaintDocument	2013- 01-09 15:42	Create	Comments	Final Close Docs in (b)(6)		89061		User Change
DhsComplaintDocument	2013- 01-09 15:42	Create	Foreign Language	No		89061		User Change
DhsComplaintDocument	2013- 01-09 15:42	Create	Document 2	Final SF Close Memo (b)(6).pdf		89061		User Change
DhsComplaintDocument	2013- 01-09 15:42	Create	Document Type	Closed Letter		89061		User Change
DhsComplaintDocument	2013- 01-09 15:42	Create	Dateentered	01/09/2013		89061		User Change
DhsComplaintIssue	2011- 06-16 16:54	Create	City	Davis		12960		User Change
DhsComplaintIssue	2011- 06-16 16:54	Create	Incident Date	04/26/2011		12960		User Change
DhsComplaintIssue	2011- 06-16 16:54	Create	State	California - CA		12960		User Change
DhsComplaintIssue	2011- 06-16 16:54	Create	Incident Location Type	Other		12960		User Change
DhsComplaintIssue	2011- 06-16 16:54	Create	(b)(5)	(b)(5)		12960		User Change

DhsComplaintIssue	2011-06-16 16:54	Create	Ongoing	No		12960	(b)(6)	User Change
DhsComplaintIssue	2011-06-16 16:54	Create	Other Incident Location	(b)(6)		12960		User Change
DhsComplaintIssue	2011-06-16 16:54	Create	Country	USA		12960		User Change
DhsComplaintIssue	2011-06-16 16:54	Create	Primary Issue	Yes		12960		User Change
DhsComplaintIssue	2011-06-16 16:54	Create	Redirect to Subject	No		12960		User Change
DhsComplaintIssue	2011-06-16 16:54	Create	Issue	Other, please specify		12960		User Change
DhsComplaintIssue	2012-07-17 12:13	Update	Incident Location	Residence		12960		User Change
DhsComplaintIssue	2011-09-23 12:11	Update	Other Issue			12960		User Change
DhsComplaintIssue	2011-09-23 12:11	Update	Situation	DHS supported activity (not 287(g))		12960		User Change
DhsComplaintIssue	2011-09-23 12:11	Update	(b)(5)	(b)(5)		12960		User Change
DhsComplaintPartiesInvolved	2011-06-16 16:55	Update	Comments	This complaint was made on behalf of herself as property owner and her tenants (b)(6)		21760		User Change
DhsComplaintPartiesInvolved	2011-06-16 16:51	Create	State	California - CA		21760		User Change
DhsComplaintPartiesInvolved	2011-06-16 16:51	Create	Last Name	(b)(6)		21760		User Change
DhsComplaintPartiesInvolved	2011-06-16 16:51	Create	Phone	(b)(6)		21760		User Change
				This complaint was made on behalf of her tenants (b)(6)				

DhsComplaintPartiesInvolved	2011-06-16 16:51	Create	Comments	(b)(6)	21760	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011-06-16 16:51	Create	Country	USA	21760		User Change
DhsComplaintPartiesInvolved	2011-06-16 16:51	Create	Contact Type	Sender	21760		User Change
DhsComplaintPartiesInvolved	2011-06-16 16:51	Create	Zip Code	95617	21760		User Change
DhsComplaintPartiesInvolved	2011-06-16 16:51	Create	City	Davis	21760		User Change
DhsComplaintPartiesInvolved	2011-06-16 16:51	Create	First Name	(b)(6)	21760		User Change
DhsComplaintPartiesInvolved	2011-06-16 16:51	Create	Middle Name	(b)(6)	21760		User Change
DhsComplaintPartiesInvolved	2011-06-16 16:51	Create	Email	(b)(6)	21760		User Change
DhsComplaintPartiesInvolved	2011-06-16 16:51	Create	Address Line 1	(b)(6)	21760		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:00	Create	State	California - CA	21761		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:00	Create	Last Name	(b)(6)	21761		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:00	Create	Contact Type	On Behalf Of	21761		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:00	Create	Zip Code	95617	21761		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:00	Create	City	Davis	21761		User Change
DhsComplaintPartiesInvolved	2011-06-16	Create	First Name	(b)(6)	21761		User

	17:00								(b)(6)	Change
DhsComplaintPartiesInvolved	2011-06-16 17:00	Create	Address Line 1	(b)(6)				21761		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:07	Create	State	California - CA				21762		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:07	Create	Last Name	(b)(6)				21762		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:07	Create	Contact Type	On Behalf Of				21762		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:07	Create	Zip Code	95617				21762		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:07	Create	City	Davis				21762		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:07	Create	First Name	(b)(6)				21762		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:07	Create	Address Line 1	(b)(6)				21762		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:08	Create	State	California - CA				21763		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:08	Create	Last Name	(b)(6)				21763		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:08	Create	Contact Type	On Behalf Of				21763		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:08	Create	Zip Code	95617				21763		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:08	Create	City	Davis				21763		User Change
DhsComplaintPartiesInvolved	2011-06-16 17:08	Create	First Name	(b)(6)				21763		User Change
	2011-									User Change

DhsComplaintPartiesInvolved	06-16 17:08	Create	Address Line 1	(b)(6)	21763	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 06-16 17:09	Create	State	California - CA	21764		User Change
DhsComplaintPartiesInvolved	2011- 06-16 17:09	Create	Last Name	(b)(6)	21764		User Change
DhsComplaintPartiesInvolved	2011- 06-16 17:09	Create	Contact Type	On Behalf Of	21764		User Change
DhsComplaintPartiesInvolved	2011- 06-16 17:09	Create	Zip Code	95617	21764		User Change
DhsComplaintPartiesInvolved	2011- 06-16 17:09	Create	City	Davis	21764		User Change
DhsComplaintPartiesInvolved	2011- 06-16 17:09	Create	First Name	(b)(6)	21764		User Change
DhsComplaintPartiesInvolved	2011- 06-16 17:09	Create	Address Line 1	(b)(6)	21764		User Change
DhsComplaintPartiesInvolved	2011- 06-16 17:10	Create	State	California - CA	21765		User Change
DhsComplaintPartiesInvolved	2011- 06-16 17:10	Create	Last Name	(b)(6)	21765		User Change
DhsComplaintPartiesInvolved	2011- 06-16 17:10	Create	Contact Type	On Behalf Of	21765		User Change
DhsComplaintPartiesInvolved	2011- 06-16 17:10	Create	Zip Code	95617	21765		User Change
DhsComplaintPartiesInvolved	2011- 06-16 17:10	Create	City	Davis	21765		User Change
DhsComplaintPartiesInvolved	2011- 06-16 17:10	Create	First Name	(b)(6)	21765		User Change
DhsComplaintPartiesInvolved	2011- 06-16 17:10	Create	Middle Name	(b)(6)	21765		User Change

DhsComplaintPartiesInvolved	2011-06-16 17:10	Create	Address Line 1	(b)(6)	(b)(6)	21765	User Change
DhsComplaintPartiesInvolved	2011-06-16 17:11	Create	State	California - CA		21766	User Change
DhsComplaintPartiesInvolved	2011-06-16 17:11	Create	Last Name	(b)(6)		21766	User Change
DhsComplaintPartiesInvolved	2011-06-16 17:11	Create	Contact Type	On Behalf Of		21766	User Change
DhsComplaintPartiesInvolved	2011-06-16 17:11	Create	Zip Code	95617		21766	User Change
DhsComplaintPartiesInvolved	2011-06-16 17:11	Create	City	Davis		21766	User Change
DhsComplaintPartiesInvolved	2011-06-16 17:11	Create	First Name	(b)(6)		21766	User Change
DhsComplaintPartiesInvolved	2011-06-16 17:11	Create	Address Line 1	(b)(6)		21766	User Change
DhsComplaintPartiesInvolved	2011-06-16 17:12	Create	State	California - CA		21767	User Change
DhsComplaintPartiesInvolved	2011-06-16 17:12	Create	Last Name	(b)(6)		21767	User Change
DhsComplaintPartiesInvolved	2011-06-16 17:12	Create	Contact Type	On Behalf Of		21767	User Change
DhsComplaintPartiesInvolved	2011-06-16 17:12	Create	Zip Code	95617		21767	User Change
DhsComplaintPartiesInvolved	2011-06-16 17:12	Create	City	Davis		21767	User Change
DhsComplaintPartiesInvolved	2011-06-16 17:12	Create	First Name	(b)(6)		21767	User Change
DhsComplaintPartiesInvolved	2011-06-16	Create	Address Line 1	(b)(6)		21767	User

17:12							(b)(6)	Change
2011-06-16 17:14	DhsComplaintPartiesInvolved	Create	State	California - CA			21769	User Change
2011-06-16 17:14	DhsComplaintPartiesInvolved	Create	Last Name	(b)(6)			21769	User Change
2011-06-16 17:14	DhsComplaintPartiesInvolved	Create	Contact Type	On Behalf Of			21769	User Change
2011-06-16 17:14	DhsComplaintPartiesInvolved	Create	Zip Code	95617			21769	User Change
2011-06-16 17:14	DhsComplaintPartiesInvolved	Create	City	Davis			21769	User Change
2011-06-16 17:14	DhsComplaintPartiesInvolved	Create	First Name	(b)(6)			21769	User Change
2011-06-16 17:14	DhsComplaintPartiesInvolved	Create	Address Line 1	(b)(6)			21769	User Change

From: (b)(6)
To: CRCL
Subject: FW: ICE Agent Misconduct - Nashville Fugitive Operations Team
Date: Monday, May 23, 2011 4:45:56 PM
Attachments: (b)(6) Declaration 5-20-11.pdf
(b)(6) Declaration 5-19-11.pdf
(b)(6) Signed Declaration 5-19-11.pdf

New complaint.

(b)(6)
Senior Policy Advisor
DHS Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security Headquarters
Washington, DC
202-357 (b)(6)
(b)(6)@dhs.gov

WARNING: This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: (b)(6)
Sent: Monday, May 23, 2011 4:36 PM
To: (b)(6)
Subject: Fwd: ICE Agent Misconduct - Nashville Fugitive Operations Team

(b)(6) greetings! (b)(6) cc:ed was an excellent law student intern when I was at Holland & Knight LLP. He brought to my attention this DHS enforcement complaint he submitted to your office. It appears compelling and thus I hope your great people can investigate it. Best,

(b)(6)

----- Forwarded message -----

From: (b)(6)
Date: Fri, May 20, 2011 at 5:12 PM
Subject: ICE Agent Misconduct - Nashville Fugitive Operations Team
To: (b)(6)
Cc: (b)(6)

(b)(6)

Please see the three attached declarations.

The 'red flag' quotes:

• (b)(6) Decl. ¶¶ 7-11

○ ICE agent says “If it were up to me, he’d be tagged and bagged and on a plane out of here tonight”

• (b)(6) Decl. ¶¶ 4-5

○ ICE agent tells client that his former immigration lawyer, (b)(6) turned him in.

○ ICE agent, in response to client asking why he was being arrested, says “What the fuck are you doing in my country?”

• (b)(6) Decl. ¶ 9; ¶¶ 12-18

○ ICE agent tells client’s wife, after client was arrested, “I don’t care what happens to your husband, so long as he leaves the country. It could be on a plane or in a body bag. It doesn’t matter to me.”

○ ICE agent tells client’s wife that ICE works with her former immigration attorney, and it was this attorney – (b)(6) – who told ICE where to find the client.

Some necessary context:

(b)(6) is pursuing multiple civil rights and FOIA suits against ICE agents on the Nashville Fugitive Operations Team, and he has previously sued ICE agents in the Office of Investigations. His clients have filed complaints w/ CRCL previously. (b)(6) is the only attorney in Tennessee pursuing these sorts of civil claims.

Needless to say, this harassment was incredibly disturbing to the family, who actually believed the ICE agent.

Moreover, such statements would be devastating to (b)(6) ability to represent these clients, were ICE agents allowed to make them with impunity. We see this as a direct retaliation for the current civil rights litigation and motions to suppress & terminate.

Just as disconcerting from a civil rights and professional responsibility perspective, the ICE agent’s statement about “tagged and bagged” and (b)(6) leaving “in a body bag” are as disturbing as they are sadistic. I cannot imagine any legitimate law enforcement purpose for making these statements. Statements like these suggest possible deeper psychological problems that may counsel against allowing this person to run around, armed, arresting people in the hinterlands.

(b)(6)

Law Clerk

Law Office of (b)(6)

(b)(6)

Nashville, TN 37217

(b)(6)

NOT LICENSED TO PRACTICE LAW IN ANY STATE

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--
(b)(6)

The Law Office of (b)(6)

(b)(6)

Takoma Park, MD 20912

Cell
Office
Fax
Email
Web

(b)(6)

CONFIDENTIALITY STRICTLY ENFORCED

--
(b)(6)

The Law Office of (b)(6)

(b)(6)

Takoma Park, MD 20912

Cell
Office
Fax
Email
Web

(b)(6)

CONFIDENTIALITY STRICTLY ENFORCED

DECLARATION OF (b)(6)

I, (b)(6) voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 U.S.C. §1746:

1. My true name is (b)(6) I am an adult, of sound mind and body. I am in all respects qualified to make the statements herein. Except where otherwise indicated, these statements are based on personal knowledge.

2. I reside (b)(6) in Lawrenceburg, Tennessee, 38464.

3. On the afternoon of Thursday, May 12, 2011, I arrived at the home of my sister, (b)(6) Her address is (b)(6) Lawrenceburg, TN 38464.

4. I walked inside (b)(6) home and into the kitchen, where I found my sister crying. Her two daughters, ages 7 and 10, were crying as well.

5. There was a short man in the kitchen with my sister. I later learned he was an agent of United States Immigration and Customs Enforcement.

6. I asked my sister what happened. She told me ICE had arrested (b)(6) (b)(6) husband.

7. I asked my sister if the neighbors turned (b)(6) in. Through her tears, she said told me, "The [expletive] lawyer we hired years ago, he turned him in. Whoever he can't get legal, he turns them in to ICE and ICE comes and picks them up."

8. The immigration lawyer my sister and brother-in-law hired years ago was (b)(6) (b)(6)

9. As my sister was saying this, I looked at the ICE agent. He looked straight into my eyes. He did not contradict anything (b)(6) said, or indicate that she was mistaken in any way.

10. Then I asked -- pleaded with -- the ICE agent, "Is there nothing you can do? He's a good man. He pays his taxes. He's got two children!"

11. The ICE agent replied, "If it were up to me, he'd be tagged and bagged and on a plane out of here tonight."

12. I later learned that the phrase "tagged and bagged" is frequently used by military and law enforcement personnel. It refers to the process of putting a toe-tag on a dead body and then placing the corpse into a body bag.

13. When he said this, my sister flew into a rage and I had to restrain her. She screamed at the ICE agent to get the [expletive] out of her house. Two other law

enforcement agents who were searching (b)(6) bedroom came into the kitchen. One of them – the shorter one who I later learned was a supervisor – told us that the ICE agent was a federal officer and part of their team, and he wasn't going anywhere.

14. Then the same supervisor threatened (b)(6). He said he would call DHS to come pick up her children and take them away. (b)(6) calmed down immediately because although she had just lost her husband, she did not want to do anything to risk losing her children.

15. I was absolutely shocked and appalled at the outrageous, cruel, and hateful conduct of the ICE agent.

16. I was equally upset with (b)(6) former attorney, (b)(6) for turning (b)(6) in to ICE.

17. I only learned that this was untrue when I spoke with (b)(6) office directly on Friday, May 20, 2011.

18. I could identify the two shorter enforcement officials (the ICE agent and the supervisor) who were in (b)(6) house if I were shown a photograph of them.

(b)(6)

Date: 5-20-2011

DECLARATION OF

(b)(6)

I, (b)(6) voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 U.S.C. §1746:

1. My true name is (b)(6) I am an adult, of sound mind and body. I am in all respects qualified to make the statements herein. I am proficient in English and Spanish. Except where otherwise indicated, these statements are based on personal knowledge.

2. On Thursday, May 12, 2011, I was arrested in Lawrenceburg, Tennessee.

3. One of the men who arrested me indicated that he is an agent of Immigration and Customs Enforcement.

4. This agent told me that my former immigration lawyer, (b)(6) of Nashville, Tennessee, turned me in to ICE.

(b)(6)

Date: 5/19/2011

Declaration of

(b)(6)

I, (b)(6) voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 USC § 1746

(continued from prior page)

5. When I asked him, ^(the COE agent) why I was being arrested, he answered "what the fuck are you doing in my country?"
~~Well,~~ "You remember that you were (b)(6)
Well, he's the one that turned you in."

(b)(6)

Date 2-1-20

DECLARATION OF (b)(6)

I, (b)(6) voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 U.S.C. §1746:

1. My true name is (b)(6) I am an adult, of sound mind and body. I am in all respects qualified to make the statements herein. Except where otherwise indicated, the following statements are based on personal knowledge.

2. I reside at (b)(6) in Lawrenceburg, Tennessee, 38464.

3. On Thursday, May 12, 2011, (b)(6),(b)(7)(C) of the Tennessee 22nd Judicial Circuit Drug Task Force and an Agent of U.S. Immigration and Customs Enforcement ("ICE") arrested my husband at the North End Market on Mahr Avenue in Lawrenceburg.

4. Beginning at 4:27 p.m. on Thursday May 12, a total of three male law enforcement officers came up my driveway and eventually entered my home (b)(6) (b)(6)

5. The first agent indicated he was (b)(6),(b)(7)(C) supervisor. He is a short, stocky, Caucasian man with a pot belly and a scruffy beard. This agent said to me, "ICE has your husband in custody."

6. The second agent drove our family's 2009 Nissan Versa into our driveway. My husband had been driving it before he was arrested. This agent is a tall, Caucasian male with a large belly, completely bald head, blue eyes, and a goatee.

7. The third agent was a shorter (between 5'6-5'9) Caucasian. He was about 165 lbs. He was skinny, with blue eyes, short, blonde hair, and clean-shaven. He was an ICE agent.

8. (b)(6),(b)(7)(C) supervisor told me my husband had been arrested and asked my permission to search the house for drugs. When I attempted to ask questions, he stated that the officers had "two grandchildren's graduations to attend, so [they had] to make it quick." They refused to answer any of my questions about why my home needed to be searched.

9. During the search, I was trying to find out what would happen to my husband. The ICE agent responded to me, "I don't care what happens to your husband, so long as he leaves the country. It could be on a plane or in a body bag. It doesn't matter to me."

10. The tall, large-bellied male officer with the goatee was standing within earshot when the ICE agent said this.

11. When the ICE agent said this, I instantly became angry and distraught. I was crying and shaking because I worried for my husband's safety, and for the future of our

two U.S. citizen children, who are 7 and 10 years old, and who were crying and screaming throughout the search of my home.

12. The ICE agent also told me, "I work with (b)(6)

13. (b)(6) was my husband's immigration attorney for a period of time, but we ended our engagement in 2007.

14. I felt betrayed and enraged at (b)(6) for sharing my husband's privileged and confidential information with ICE.

15. The ICE agent told me, (b)(6) is who told me where I could find your husband."

16. Moments later, my sister, (b)(6) entered my kitchen, where I was standing when the ICE agent said this.

17. I repeated the ICE agent's words back to him, "You're saying (b)(6) told you where my husband is?"

18. The agent nodded his head, indicating "yes."

19. The ICE agent also said, "If it weren't for your husband's drug charge, he'd be on his way back to Nashville with me."

20. My husband remained in the Lawrence County Jail until Tuesday, May 17, when he pleaded guilty to Simple Possession of marijuana.

21. On Wednesday, May 18, he was transferred by ICE to the Davidson County Jail.

22. On Thursday, May 19, I visited (b)(6) office in person to demand an explanation for why he would work together with ICE to turn in my husband.

23. (b)(6) and his staff informed me that neither he nor any member of his staff had communicated with ICE regarding me, my husband, or our whereabouts.

24. He and his staff explained that his office is presently suing members of the Nashville ICE Fugitive Operations Team for violations of his clients' civil rights.

25. On Thursday, May 19, I visited my husband in the Davidson County Jail in downtown Nashville. He told me that one of the ICE agents told him after he was arrested that it was his immigration lawyer – (b)(6) who turned him in to ICE.

26. I believe I can identify the ICE agent who entered my home and intentionally tormented and traumatized me.

(b)(6)

Date: 5-19-11

From: (b)(6)
To: Liberties, Civil
Date: Wednesday, May 25, 2011 9:27:37 AM
Attachments: DHS CRCL Complaint.pdf

Please see attachment

(b)(6)

Receptionist

Law Offices of (b)(6)

(b)(6)

Nashville, TN 37217

(b)(6)

This transmission is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is confidential, proprietary, privileged or otherwise exempt from disclosure. If you are not the named addressee, you are NOT authorized to read, print, retain, copy or disseminate this communication, its attachments or any part of them. If you have received this communication in error, please notify the sender immediately and delete this communication from all computers. This communication does not form any contractual obligation on behalf of the sender, the sender's employer, or the employer's parent company, affiliates or subsidiaries



IMMIGRATION LAW OFFICES OF

(b)(6)

Nashville, TN 37217

(b)(6)

Via e-mail to civil.liberties@dhs.gov

Via Facsimile to (b)(6)

Via certified mail

May 24, 2011

Margo Schlanger
Officer for Civil Rights and Civil Liberties
Department of Homeland Security
Office for Civil Rights and Civil Liberties
Review and Compliance
245 Murray Lane, SW
Building 410, Mail Stop #0190
Washington, DC 20528

**Re: Gross Misconduct of ICE Nashville
Fugitive Operations Team Agent**

Dear Officer Schlanger:

This letter constitutes a formal complaint and immediate request for investigation by your office into the conduct of an ICE Fugitive Operations Team agent based in Nashville, Tennessee who has engaged in egregious abuse and misconduct.

On May 12, 2011, the agent, working together with local authorities, arrested (b)(6) in Lawrenceburg, Tennessee. (b)(6) and his wife are former clients of mine.

The ICE agent's egregious misconduct during and after this arrest took two primary forms. First, the agent intentionally and maliciously lied to (b)(6) and his wife by claiming that I (their former immigration attorney) "work with" ICE. He also claimed that I "turned (b)(6) in" to ICE. Second, the agent intentionally tormented (b)(6) family by referring to (b)(6) leaving the United States "in a body bag."

I attach three supporting declarations. All were made under penalty of perjury. All are from witnesses who heard the statements and witnessed the agent's conduct. I am happy to make each of those witnesses available if necessary to corroborate the allegations in their sworn declarations.

A. "He's the one that turned you in."

Few things could be more detrimental to an attorney's representation of his clients than a law enforcement official insinuating the attorney has betrayed the clients' trust. This is precisely what the ICE agent did in this case. See Declaration of (b)(6) ¶ 5 ("You remember that you hired (b)(6). Well, he's the one that turned you in."). See also Declaration of (b)(6) ¶ 12 ("I work with (b)(6)"); *id.*, ¶ 15 ((b)(6) is who told me where I could find your husband."). See also Declaration of (b)(6) ¶¶ 7-9.

These statements – which the agent made repeatedly and in front of multiple witnesses – constitute slander per se. Worse still, they represent an attempt to retaliate against me personally and professionally for vigorously representing clients in both federal immigration court and in active civil rights litigation against ICE and specific Fugitive Operations Team agents currently pending in the Middle District of Tennessee. See e.g., *Tapia-Tovar v. Epley*, No. 3:11-cv-00102 (M.D. Tenn.); see also *Ozment v. United States Immigration and Customs Enforcement*, No. 3:11-cv-00429 (M.D. Tenn.). In the context of these and other anticipated civil rights cases of which the Nashville Fugitive Operations Team is well-aware, such statements border on obstruction of justice and may constitute willful violations of 42 U.S.C. § 1981(a).

In sum, the agent's willful misrepresentations seem aimed at undermining trust in me among my current, former, and prospective clients. These actions threaten both my livelihood and my First Amendment and due process rights to advise these clients. This egregious misconduct also threatens my clients' due process rights to competent and effective counsel.

B. "If it were up to me, he'd be tagged and bagged and on a plane out of here tonight."

Second, the agent sadistically and repeatedly tormented (b)(6) loved ones by referring to his leaving the United States "in a body bag" and, in a separate instance, after being "tagged and bagged." See Decl. of (b)(6) ¶ 9 ("I don't care what happens to your husband, so long as he leaves the country. It could be on a plane or in a body bag. It doesn't matter to me."). See also Decl. of (b)(6) ¶¶ 11-12 ("If it were up to me, he'd be tagged and bagged and on a plane out of here tonight.").

There can be no legitimate justification for a federal law enforcement officer to engage in such mean-spirited verbal abuse. Given his macabre statements, I am concerned that this agent may be mentally unstable and a danger to himself, his fellow officers, and the public at large.

In addition, the agent's response to (b)(6) perfectly legitimate question – "Why did you arrest me?" – was consistent with his other vitriolic remarks: "What the fuck are you doing in my country?" See Decl. of (b)(6) ¶ 5.

In light of the evidence above, I request an immediate investigation of this agent and his supervision.

Thank you for your assistance and your prompt attention to this matter.

Sincerely,

(b)(6)

Immigration Law Offices of (b)(6)

(b)(6)

Nashville, TN 37217

(b)(6)

Cc: DHS Office of the Inspector General
DHS Office of Professional Responsibility
Mark Wildasin, Assistant United States Attorney, Middle District of Tennessee
The Honorable Jim Cooper, U.S. Representative for the Fifth District of Tennessee
The Honorable Zoe Lofgren, Ranking Member, House Judiciary Subcommittee on Immigration Policy and Enforcement



Homeland
Security

July 28, 2011

(b)(6)
Immigration Law Offices of (b)(6)
(b)(6)
Nashville, TN 37217

Re: Contact-DHS-11-0801, (b)(6)

Dear (b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) received information from you on June 3, 2011, concerning the actions of the U.S. Immigration and Customs Enforcement (ICE) Fugitive Operations Team based in Nashville, Tennessee, during the apprehension of (b)(6)
(b)(6)

Thank you for bringing this incident to our attention. After reviewing the information you provided, we have recorded it so that we can track incidents of this type and in this area looking for patterns of violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security (DHS). We also forwarded the information to officials at ICE through the DHS Joint Intake Center (JIC) so they can take whatever action they deem appropriate in investigating this specific incident. If we need additional information in the future, we will contact you. You may also contact the JIC by sending correspondence to:

U.S. Department of Homeland Security
Joint Intake Center
P.O. Box 14475
1200 Pennsylvania Avenue, NW
Washington, DC 20044

Email: Joint.Intake@dhs.gov

If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to contact CRCL. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties.

Sincerely,



Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Copy to:

(b)(6)

The Law Office of

(b)(6)

(b)(6)

Takoma Park, MD 20912



Homeland
Security

July 28, 2011

MEMORANDUM FOR: U.S. Department of Homeland Security
Joint Intake Center
Joint.Intake@dhs.gov

FROM: U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties

SUBJECT: Contact-DHS-11-0801
(b)(6) on behalf of
(b)(6)

On June 3, 2011, CRCL received the attached information from (b)(6) on behalf of (b)(6). The information alleges possible violations of civil right or civil liberties by employees or officials of U.S. Immigrations and Customs Enforcement (ICE), as well as possible violations of Other ICE rules and procedures.

CRCL has decided not to open an investigation of this incident at this time. However, we are forwarding the information to ICE for whatever administrative action or inquiry it considers appropriate. ICE does not need to inform CRCL of any action it takes. Please note, however, that if CRCL receives additional information regarding incidents of this type or at this location that suggest a pattern of violations of civil rights or civil liberties, we may open an investigation at a later date.

If you have any questions, please do not hesitate to contact CRCL.

Copies to:

(b)(6),(b)(7)(C)
Regional Operations Manager, Investigative
Support Unit
Office of Professional Responsibility
U.S. Immigration and Customs Enforcement
(b)(6),(b)(7)(C)@dhs.gov

(b)(6),(b)(7)(C)
Office of Professional Responsibility
U.S. Immigration and Customs Enforcement
(b)(6),(b)(7)(C)@dhs.gov

Enclosures

Protected by Attorney-Client and Deliberative Process Privileges

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-0801 11-08-ICE-0268 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-06-02 17:47	Update	Summary	On May 23, 2011, CRCL received email correspondence from (b)(6) which he originally received from (b)(6) of Law Office of (b)(6) on behalf of (b)(6) and his family who allege that on May 12, 2011 at Mr.	7573	(b)(6)	User Change
DhsComplaint	2011-06-02 17:47	Update	Executive Summary	On May 23, 2011, CRCL received email correspondence from (b)(6) which he originally received from (b)(6) of Law Office of (b)(6) on behalf of (b)(6) and his family who allege that on May 12, 2011 at Mr.	7573	(b)(6)	User Change
DhsComplaint	2011-06-02 16:12	Create	Component Referenced	ICE	7573	(b)(6)	User Change
DhsComplaint	2011-06-02 16:12	Create	Summary	On May 23, 2011, CRCL received email correspondence from (b)(6) which he originally received from (b)(6) of Law Office of (b)(6) on behalf of (b)(6) and his family who allege that on May 12, 2011 at Mr.	7573	(b)(6)	User Change
DhsComplaint	2011-06-02 16:12	Create	Executive Summary	On May 23, 2011, CRCL received email correspondence from (b)(6) which he originally received from (b)(6) of Law Office of (b)(6) on behalf of (b)(6) and his family who allege that on May 12, 2011 at Mr.	7573	(b)(6)	User Change
DhsComplaint	2011-06-02 16:12	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7573	(b)(6)	User Change
DhsComplaint	2011-06-02 16:12	Create	Days to Process	10	7573	(b)(6)	User Change
DhsComplaint	2011-06-02 16:12	Create	Date to CRCL	05/23/2011	7573	(b)(6)	User Change
DhsComplaint	2011-06-02 16:12	Create	Date to DHS	05/23/2011	7573	(b)(6)	User Change
DhsComplaint	2011-06-02	Create	Date on Correspondence	05/23/2011	7573	(b)(6)	User Change

	16:12								(b)(6)	
DhsComplaint	2011-06-02 16:12	Create	Sender Type	NGO/Organization		7573			User Change	
DhsComplaint	2011-06-02 16:12	Create	Method of Receipt	Email		7573			User Change	
DhsComplaint	2011-06-02 16:12	Create	Entry Date	06/02/2011		7573			User Change	
DhsComplaintAction	2011-07-29 16:03	Create	Internal Summary	Summary to be added later.		105644			User Change	
DhsComplaintAction	2011-07-29 16:03	Create	Action Date	07/29/2011		105644			User Change	
DhsComplaintAction	2011-07-29 16:03	Create	Reporting Summary	Summary to be added later		105644			User Change	
DhsComplaintAction	2011-07-29 16:03	Create	Action	Closed - Short Form/No Further Action		105644			User Change	
DhsComplaintAction	2011-07-29 16:02	Create	Action Date	07/29/2011		105643			User Change	
DhsComplaintAction	2011-07-29 16:02	Create	Action	Short Form		105643			User Change	
DhsComplaintAction	2011-07-29 16:01	Create	Action Date	07/29/2011		105642			User Change	
DhsComplaintAction	2011-07-29 16:01	Create	Primary Assignment	(b)(6)		105642			User Change	
DhsComplaintAction	2011-07-29 16:01	Create	Action	Back from Officer		105642			User Change	
DhsComplaintAction	2011-07-29 15:59	Create	Action Date	07/29/2011		105641			User Change	
DhsComplaintAction	2011-07-29 15:59	Create	Action	Open a Complaint		105641			User Change	
	2011-									

DhsComplaintAction	08-29 17:35	Update	Document	CRCL Close Letter Contact-DHS-11-0801.pdf	105644	(b)(6)	User Change
DhsComplaintAction	2011-08-29 17:35	Update	Internal Summary	Inappropriate Comments by ICE Agents During Apprehension in Nashville: CRCL received a complaint on May 23, 2011, from (b)(6) regarding the actions of the ICE Fugitive Operations Team in Nashville, Tennessee, during the apprehension of his	105644	(b)(6)	User Change
DhsComplaintAction	2011-08-29 17:35	Update	Reporting Summary	Inappropriate Comments by ICE Agents During Apprehension in Nashville: CRCL received a complaint on May 23, 2011, from an attorney regarding the actions of the ICE Fugitive Operations Team in Nashville, Tennessee, during the apprehension of his client.	105644	(b)(6)	User Change
DhsComplaintDocument	2011-08-01 16:07	Update	Document 2	CRCL Close Letter and Memo Contact-DHS-11-0801.pdf	84660	(b)(6)	User Change
DhsComplaintDocument	2011-06-02 16:19	Create	Foreign Language	No	84072	(b)(6)	User Change
DhsComplaintDocument	2011-06-02 16:19	Create	Document Type	Incoming Letter	84072	(b)(6)	User Change
DhsComplaintDocument	2011-06-02 16:19	Create	Document 1	5 23 2011 (b)(6) pdf	84072	(b)(6)	User Change
DhsComplaintDocument	2011-06-02 16:19	Create	Dateentered	06/02/2011	84072	(b)(6)	User Change
DhsComplaintDocument	2011-07-28 17:54	Create	Foreign Language	No	84660	(b)(6)	User Change
DhsComplaintDocument	2011-07-28 17:54	Create	Document 1	CRCL Close Letter Contact-DHS-11-0801.pdf	84660	(b)(6)	User Change
DhsComplaintDocument	2011-07-28 17:54	Create	Document Type	Closed Letter	84660	(b)(6)	User Change
DhsComplaintDocument	2011-07-28 17:54	Create	Dateentered	07/28/2011	84660	(b)(6)	User Change
DhsComplaintDocument	2011-06-06 09:48	Create	Document Type	Incoming Letter	84098	(b)(6)	User Change
DhsComplaintDocument	2011-06-06	Create	Comments	Copy of correspondence CRCL received by email and fax	84098	(b)(6)	User Change

	09:48		Create	Date entered	06/06/2011		84098	(b)(6)	User Change
DhsComplaintDocument	2011-06-06 09:48		Create	Foreign Language	No		84098		User Change
DhsComplaintDocument	2011-06-06 09:48		Create	Document 1	6 3 2011 (b)(6) pdf		84098		User Change
DhsComplaintDocument	2011-06-02 17:13		Update	Document 2	5 25 2011 (b)(6) letter from (b)(6) Law Office.pdf		84072		User Change
DhsComplaintIssue	2011-10-20 14:23		Update	Situation	DHS law enforcement activity		12909		User Change
DhsComplaintIssue	2011-06-02 16:36		Create	Primary Issue	Yes		12909		User Change
DhsComplaintIssue	2011-06-02 16:36		Create	Ongoing	No		12909		User Change
DhsComplaintIssue	2011-06-02 16:36		Create	City	Lawrenceburg		12909		User Change
DhsComplaintIssue	2011-06-02 16:36		Create	Redirect to Subject	No		12909		User Change
DhsComplaintIssue	2011-06-02 16:36		Create	Incident Location Type	Residence		12909		User Change
DhsComplaintIssue	2011-06-02 16:36		Create	State	Tennessee - TN		12909		User Change
DhsComplaintIssue	2011-06-02 16:36		Create	(b)(5)	(b)(5)		12909		User Change
DhsComplaintIssue	2011-06-02 16:36		Create	Incident Date	05/12/2011		12909		User Change
DhsComplaintPartiesInvolved	2011-06-02 16:33		Create	First Name	(b)(6)		21665		User Change
	2011-								

DhsComplaintPartiesInvolved	06-02 16:33	Create	Phone	(b)(6)	21665	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 06-02 16:33	Create	Alt Phone	(b)(6)	21665	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 06-02 16:33	Create	Email	(b)(6)	21665	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 06-02 16:33	Create	Contact Type	Source	21665	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 06-02 16:33	Create	Prefix	Mr	21665	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 06-02 16:33	Create	Last Name	(b)(6)	21665	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 06-02 16:31	Create	First Name	(b)(6)	21664	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 06-02 16:31	Create	City	Lawrenceburg	21664	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 06-02 16:31	Create	State	Tennessee - TN	21664	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 06-02 16:31	Create	Contact Type	Witness	21664	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 06-02 16:31	Create	Address Line 1	(b)(6)	21664	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 06-02 16:31	Create	Middle Name	(b)(6)	21664	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 06-02 16:31	Create	Prefix	Mrs	21664	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 06-02 16:31	Create	Zip Code	38464	21664	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 06-02 16:31	Create	Last Name	(b)(6)	21664	(b)(6)	User Change

DhsComplaintPartiesInvolved	2011-06-02 16:28	Create	First Name	(b)(6)	21663	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011-06-02 16:28	Create	Contact Type	Witness	21663		User Change
DhsComplaintPartiesInvolved	2011-06-02 16:28	Create	Prefix	Mrs	21663		User Change
DhsComplaintPartiesInvolved	2011-06-02 16:28	Create	Last Name	(b)(6)	21663		User Change
DhsComplaintPartiesInvolved	2011-06-02 16:26	Create	First Name	(b)(6)	21662		User Change
DhsComplaintPartiesInvolved	2011-06-02 16:26	Create	Contact Type	On Behalf Of	21662		User Change
DhsComplaintPartiesInvolved	2011-06-02 16:26	Create	Middle Name	(b)(6)	21662		User Change
DhsComplaintPartiesInvolved	2011-06-02 16:26	Create	Prefix	Mr	21662		User Change
DhsComplaintPartiesInvolved	2011-06-02 16:26	Create	Last Name	(b)(6)	21662		User Change
DhsComplaintPartiesInvolved	2011-06-02 16:23	Create	First Name	(b)(6)	21661		User Change
DhsComplaintPartiesInvolved	2011-06-02 16:23	Create	Phone	(b)(6)	21661		User Change
DhsComplaintPartiesInvolved	2011-06-02 16:23	Create	Email	(b)(6)	21661		User Change
DhsComplaintPartiesInvolved	2011-06-02 16:23	Create	Contact Type	Sender	21661		User Change
DhsComplaintPartiesInvolved	2011-06-02 16:23	Create	Prefix	Mr	21661		User Change
DhsComplaintPartiesInvolved	2011-06-02	Create	Last Name	(b)(6)	21661		User

[illegible]

From: (b)(6)
To: (b)(6)
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 11-10-ICE-0287
Date: Thursday, August 25, 2011 11:06:01 AM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)
Sent: Tuesday, August 23, 2011 12:53 PM
To: (b)(6)
Cc: (b)(6)
Subject: CRCL Complaint Number 11-10-ICE-0287

(b)(6)

Summary of new complaint for your review:

On July 18, 2011, CRCL received an Exec Sec tasker (WF#915306) in regards to correspondence dated July 13, 2011 sent to Secretary Janet Napolitano, from (b)(6) of United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), alleging incidents of profiling and conditions of detention in the Detroit, Michigan area involving ICE and CBP.

(b)(6) of UAW on behalf of (b)(6) alleges that one morning in January 2011 in her own home in (b)(6) Pontiac, Michigan, ICE agents burst through her door, held up what they claimed was a warrant that (b)(6) could not verify what the document said, then demanded to know the whereabouts of (b)(6) stated that she (b)(6) did not live with her, then the agents handcuffed (b)(6) stating that she was an "illegal", which (b)(6) protested. Finally, after 20 minutes of arguing, (b)(6) was able to direct the agents to her passport, verifying that she is a US citizen, subsequently, ICE departed warning that they would be back for (b)(6)

(b)(6) of UAW on behalf of (b)(6) alleging that on the afternoon of February 12, 2011, a Cincinnati family was at home when they heard a soft knock on the door, then ICE Immigration Agents burst in without a warrant. Allegedly, Ice only showed the family a picture of an unfamiliar Latino man,

then without provocation shoved (b)(6) husband against the wall so hard that he broke through the drywall.

(b)(6) of UAW on behalf of (b)(6) alleging that on April 7, 2011 in Wixom, Michigan, ICE detained (b)(6) outside his home, and although (b)(6) did not give ICE consent to enter his house, they did so anyway, refused to show a search warrant to (b)(6) (b)(6) a US citizen who was inside the home and subsequently interrogated by ICE about his immigration status.

Thank you.

(b)(6)

Program Analyst
Compliance Branch
Office for Civil Rights & Civil Liberties
Department of Homeland Security

From: (b)(6)
To: CRCL; (b)(6),(b)(7)(C)
Subject: FW: UAW letter alleging CR violations
Date: Thursday, July 21, 2011 4:35:47 PM
Attachments: 11-3201 (b)(6) 07.13.11.pdf

As discussed

From: (b)(6),(b)(7)(C)
Sent: Tuesday, July 19, 2011 4:11 PM
To: (b)(6),(b)(7)(C)
Subject: FW: UAW letter alleging CR violations

(b)(6),(b)(7)(C) Special Agent
CBP Internal Affairs
Investigative Operations Division
202-(b)(6),(b)(7)(C)

From: Blumberg, Jeffrey [mailto:(b)(6)@dhs.gov]
Sent: Tuesday, July 19, 2011 4:04 PM
To: (b)(6); (b)(6),(b)(7)(C)
Subject: FW: UAW letter alleging CR violations

FYI

From: Schlanger, Margo
Sent: Monday, July 18, 2011 12:16 PM
To: Blumberg, Jeffrey; Kessler, Tamara
Subject: FW: UAW letter alleging CR violations

FYI. Let's discuss tomorrow.

Margo Schlanger
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)
(b)(6)@dhs.gov
<http://www.dhs.gov/crcl>





Solidarity House

8000 EAST JEFFERSON AVE.
DETROIT, MICHIGAN 48214
PHONE (313) 926-5000
FAX (313) 823-6016

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA – UAW

(b)(6)

PRESIDENT

(b)(6)

SECRETARY-TREASURER

VICE-PRESIDENTS:

(b)(6)

July 13, 2011

Secretary Janet Napolitano
U. S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano:

It was great meeting with you back on April 27, 2011. We greatly appreciate your passion and support of immigrant civil rights.

As you are aware, we have been attempting to confront numerous issues relating to the operations of Department of Homeland Security in the Detroit area. We have documented many abuses by Immigrations and Customs Enforcement (ICE) and Customs and Border Protection (CBP) Detroit offices, which have jurisdiction over both Michigan and Ohio. Though the abuse is generally worse in and around Detroit, we have received reports of serious problems throughout this jurisdiction.

Below are highlights from the latest cases we have gathered, and they demonstrate a worrisome pattern. The management of these offices seem unwilling or unable to control the actions of their field officers, leading to a pattern of infringement on 4th Amendment rights and internal civil rights policies.

We were certainly encouraged by the personal attention of ICE Director Morton to these problems, particularly the ICE enforcement actions at Hope of Detroit Academy. However, despite the promise of a 30-day review, it has been nearly three months since our meeting. In fact, Congressmen Conyers and Clarke had to intervene personally, leading public hearings and demonstrations in Detroit last week, before Director Morton's office contacted us to schedule a briefing on the report. Yet, some victims still remain to be interviewed by ICE OPR. We anxiously await the results of the investigation, and hope that it will lead to the accountability our community requires.

In the meantime, we have documented a dramatic increase in profiling and abuse by CBP. Startlingly, CBP seems to be targeting a local social service agency (Latino Family Services) for enforcement actions. Though CBP lacks the "sensitive community locations" policy of ICE, surely this is beyond the pale. Additionally, our partner organization, the Council on American Islamic Relations – Michigan, has documented a widespread pattern of profiling and harassment of Muslims at the Detroit/Windsor crossing.

These issues have contributed to an atmosphere of fear and intimidation in Metro-Detroit. Trust between immigrant communities and law enforcement is breaking down. This is particularly worrisome in a time when community cooperation is so important to our national security. The latest cases are as follows:

Non Responsive

Non Responsive

ICE Abuse Cases

Non Responsive

Pontiac, MI: US Citizen Handcuffed, Detained in Own Home

One morning In January 2011, at her home in Walton Manor Trailer Park, (b)(6) heard a knock on her door and opened it. ICE agents burst through the door, and held what they claimed was a warrant in her face.

She was unable to verify what the document said. Agents demanded to know the whereabouts of (b)(6) and (b)(6) told them that he did not live with her.

Agents then handcuffed (b)(6) demanded to know why she was being handcuffed, and agents responded, "Because you're illegal." (b)(6) protested that she was a US Citizen. The agents laughed and refused to believe her. She argued with the agents for 20 minutes until she was able to direct them to her passport. After the agents scanned the passport, (b)(6) was released and the agents departed, warning that they would be back for (b)(6)

Non Responsive

Cincinnati, OH: Immigrant Shoved Through Wall

On the afternoon of February 12, 2011, a Cincinnati family was at home when they heard what the mother, (b)(6) described as a "soft, childlike knock on the door." When they answered the door, immigration agents burst in, and proceeded to search the apartment aggressively. They did not show the family a warrant, but did show a picture of an unfamiliar Latino man. The agents man-handled (b)(6) husband without provocation, and shoved the man against the wall so hard that he broke through the drywall. The Detroit ICE office has jurisdiction over Ohio.

Detroit, MI: ICE Illegally Searched Home, Failed to Provide Proper Medical Care to Pregnant Woman

On March 23, 2011, (b)(6) returned to his home to find ICE agents outside. They asked for his brother, and (b)(6) told him that he did not live with him. The agents asked to perform a search, and (b)(6) denied them permission asked to see a warrant. The agents only showed (b)(6) a badge, and (b)(6) reiterated that they did not have permission to enter his home. They entered anyway, and found his wife, (b)(6) who was six months pregnant at the time. ICE detained (b)(6) separating her from her husband and three U.S. citizen children. When (b)(6) came to the (b)(6)

(b)(6) ICE facility to bring his wife her medication, ICE agents refused to give (b)(6) the medicine. (b)(6) was also denied appropriate access to doctors and nutritious food while in immigration jail.

Non Responsive

Detroit, MI: ICE Agent Used Child as Bait

On April 4, 2011, 15 year-old (b)(6) was outside his home when a law enforcement officer approached him. The officer told the boy that he was with the Detroit Police Department and needed to speak to his father about a traffic ticket. The agent asked (b)(6) to get his father to discuss the matter. (b)(6) complied, and asked his father to come out to speak with the agents. As soon as he exited the home, (b)(6) Father, (b)(6) was immediately detained and arrested. (b)(6) noticed at this point that the officer had a badge that said "ICE." (b)(6) was shoved inside the home by the officer and denied the ability to translate for his father. ICE then demanded that (b)(6) bring his mother outside so they could arrest her. He refused to do so, and ICE left with (b)(6) father after making numerous threats.

Non Responsive

Wixom, MI: ICE Illegally Searched Home, Interrogated U.S. Citizen

On April 7, 2011, ICE agents detained (b)(6) outside his home. Although he did not give the officers consent to enter the house, they did so anyway. There they found U.S. citizen (b)(6) who was sleeping. (b)(6) asked what they were doing there and whether they had a warrant. Officers did not show (b)(6) a warrant, but instead demanded to see his identification. Officers left, with (b)(6) in custody, after (b)(6) claimed he was a US Citizen.

February, 2011, Grand Rapids: ICE Arrests and Assaults USC and LPR

(This case is currently the subject of a Freedom of Information Act request by the American Civil Liberties Union – Michigan)

In February, (b)(6) who has lived in the United States for almost 22 years, and her son, (b)(6) a college student at Grand Rapids Community College who was born in the U.S., drove to the home of relatives to allow their 6-year-old cousin to play with (b)(6) new puppy. As they pulled the car into the driveway, unidentified ICE agents ran toward them. An agent pointed a gun at (b)(6) and ordered him to show ID. Both (b)(6)

produced their valid driver's license and ICE agents demanded that they get out of the car.

(b)(6) was handcuffed and escorted to the back of the car where an agent held a gun to her back and repeatedly banged her head into the trunk of the car yelling at her to admit she was (b)(6) screamed out in pain and fear. (b)(6) was handcuffed, and both (b)(6) were escorted into an apartment where they were interrogated.

Again, thank you for your support and concern. We trust that you will bring these issues to the attention of the appropriate officials within DHS. If you have any questions, I can be reached at (313) (b)(6)

Sincerely,

(b)(6)

Interational Union, UAW

CE:

(b)(6)

(b)(6)

c:

(b)(6)

(b)(6)

From: (b)(6)
To: CRCL
Subject: FW: Task Request: S1 Correspondence UAW (b)(6) re: Alleged CBP, ICE Civil Rights Violations (WF #915306) - DUE 7/28
Date: Tuesday, July 26, 2011 3:25:35 PM
Attachments: 7-13-2011 (b)(6) UAW letter to DHS re ICE and CBP in Detroit.pdf
7-13-2011 UAW letter to DHS re ICE and CBP in Detroit (marked with CRCL notes from JICMS research 7-21-2011).pdf
Detroit AIR Allegations and Findings ICE ERO 07 08 11.docx

From: (b)(6)
Sent: Tuesday, July 26, 2011 3:23 PM
To: (b)(6)
Subject: FW: Task Request: S1 Correspondence UAW (b)(6) re: Alleged CBP, ICE Civil Rights Violations (WF #915306) - DUE 7/28

Please log in the UAW letter to S1 (assigned as a tasker to CRCL for component response) as a new Contact. It deals with ICE and CBP operations in the Detroit, Michigan area. Issues include profiling and conditions of detention.

Compliance is considering how to handle the complaints raised in the letter. Most likely, there will be separately numbered complaints involving ICE and CBP, and not necessarily all the listed incidents will be opened as a complaints. I'll keep you posted.

Non Responsive

Attached FYI are the following:

- UAW's 7/13/2011 letter to S1 regarding alleged civil rights violations by ICE and CBP in the Detroit area
- the same UAW 7/13/2011 letter, including (b)(6), (b)(7)(C) handwritten notes (b)(5)
(b)(5)
- ICE ERO document setting forth Alliance for Immigrant Rights and Reform Michigan (AIR)'s allegations and ICE OPR findings . (This was sent separately to Margo by ICE. I'll forward you an email forwarding that)
The allegations were reported to ICE OPR and DHS OIG in a letter from Rep. John Conyers in April 2011. CRCL did not receive a copy of that Conyers letter from other DHS sources or from outside sources.
Separately, I'll forward that copy to the CRCL account. (b)(6), (b)(7)(C) found a copy in JICMS.

Thanks,

(b)(6)

From: Blumberg, Jeffrey
Sent: Friday, July 22, 2011 9:47 AM
To: (b)(6)

Subject: FW: Task Request: S1 Correspondence UAW/(b)(6) re: Alleged CBP, ICE Civil Rights Violations (WF #915306) - DUE 7/28

From: (b)(6) [mailto:(b)(6)@dhs.gov] **On Behalf Of** CRCL Exec Sec
Sent: Monday, July 18, 2011 1:05 PM
To: Blumberg, Jeffrey; (b)(6) Kessler, Tamara; Gersten, David
Subject: Task Request: S1 Correspondence UAW/(b)(6) re: Alleged CBP, ICE Civil Rights Violations (WF #915306) - DUE 7/28

Subject: S1 Correspondence UAW/(b)(6) re: Alleged CBP, ICE Civil Rights Violations (WF #915306) - DUE 7/28

Due Date: Thursday, July 28, 2011

Status: Not Started

Percent Complete: 0%

Total Work: 0 hours

Actual Work: 0 hours

Owner: 'Jeffrey.Blumberg@dhs.gov'; (b)(6)
'Kessler, Tamara'; Gersten, David

Lead: Compliance
Cc: Tamara, Margo

(b)(6)

-----Original Message-----

From: (b)(6)@dhs.gov
Sent: Monday, July 18, 2011 12:16 PM
To: CRCL Exec Sec
Subject: Workflow Routing Alert (Contact 915306) (Intranet Quorum IMA003075127)

User (b)(6) has queued the following Workflow for (b)(6) People ID #7361778, to you and others with the Routing Note:

CRCL: Please have your Component Head reply direct and cc ESEC by 8/1/2011. Thank you.

<https://IQ.dhs.gov/iq/workflowhome.aspx?showfolder=workflow&showcontent=ID915306&iAccount=IQ>

Duplicate

Non Responsive

Duplicate

Non Responsive

Duplicate

201107902
ICE-OPR
CCH-~~WASH~~

Duplicate

Non Responsive

Duplicate

Non Responsive

201107632
ICE-OPR
Closed

201108975
ICE OPR
Case -
currently
open.

From: (b)(6)
To: CRCL
Subject: FW: UAW letter alleging CR violations
Date: Tuesday, July 26, 2011 3:28:36 PM
Attachments: Detroit AIR Allegations and Findings 07.08.11.docx

Yesterday I received the email thread below with attachment within Compliance as background info for the UAW letter re ICE and CBP.

Please log this in as supplemental to that UAW Contact. CRCL does not have the ICE OPR ROIs on the matters described in the attachment.

Thanks,

(b)(6)
202-357-(b)(6)
(b)(6)@hq.dhs.gov

From: (b)(6),(b)(7)(C)@dhs.gov]
Sent: Monday, July 18, 2011 12:20 PM
To: Schlanger, Margo; (b)(6),(b)(7)(C)
Subject: RE: UAW letter alleging CR violations

Hi Margo – I believe (b)(6),(b)(7)(C) is on AL this week. As I mentioned last week we are set to respond back to the Detroit NGOs on the Hope Academy incident and several other allegations – many of which are in the letter. Here is the OPR/ERO review of those incidents – the attached document will be serving as our TPs when (b)(6),(b)(7)(C) I do the VTC NGO meeting this Friday 7/22. (b)(5)

(b)(5)

(b)(6),(b)(7)(C)
Senior Public Engagement Officer
Office of State, Local and Tribal Coordination
U.S. Immigration and Customs Enforcement
202 (b)(6),(b)(7)(C) - Direct
202 (b)(6),(b)(7)(C) - BlackBerry
202 (b)(6),(b)(7)(C) - Cell

General Inquiries: ICEPublicEngagement@dhs.gov
Personal E-mail: (b)(6),(b)(7)(C)@dhs.gov

From: Schlanger, Margo [mailto:Margo.Schlanger@dhs.gov]
Sent: Monday, July 18, 2011 12:13 PM
To: (b)(6),(b)(7)(C)
Subject: FW: UAW letter alleging CR violations

Hey (b)(6),(b)(7)(C)

This letter has just been tasked to CRCL to respond. (b)(5)

(b)(5)

Thanks,

Margo

Margo Schlanger
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357- (b)(6)
(b)(6)@dhs.gov
<http://www.dhs.gov/crcl>



**Homeland
Security**

From: (b)(6)
To: CRCL
Subject: FW: relating to UAW letter
Date: Tuesday, July 26, 2011 3:24:54 PM
Attachments: Conyers Letter.pdf

Rep. Conyers letter -- This doc should be considered supplemental background information to the UAW letter.

(b)(6),
(b)(7)(C) found this copy in JICMS yesterday. Some of the allegations involving ICE raised in the attachment were also raised in the UAW's letter.

Thanks,

(b)(6)
202-357-(b)(6)
(b)(6)@hq.dhs.gov

From: (b)(6)
Sent: Monday, July 25, 2011 2:27 PM
To: (b)(6)
Subject:

FYI -

(b)(6)
Deputy Director Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Tel (202) 357-(b)(6)

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.



**Homeland
Security**

July 29, 2011

(b)(6)

International Union
United Automobile, Aerospace & Agricultural Implement Workers of America
8000 East Jefferson Avenue
Detroit, Michigan 48214

Dear (b)(6)

Thank you for your July 13, 2011 letter to Secretary of Homeland Security Janet Napolitano, concerning a large number of alleged civil rights violations, in Michigan and Ohio, by U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) personnel. The Secretary has asked me to respond.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the DHS Office for Civil Rights and Civil Liberties (CRCL) reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security. For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

As you know, a number of the incidents you mention had already been brought to DHS's attention, and ICE's Office of Professional Responsibility has, in fact, just completed its inquiry into the existence of personnel misconduct for several of them; CRCL will be reviewing ICE's investigative reports and considering whether the incidents in question suggest the need for any changes to policy or policy implementation. For others, your letter provides the first information CRCL has received about the allegations. We are, accordingly, reviewing the issues raised.

A member of my staff will contact you once our review is complete. If you have additional information you wish to send to us, please submit the information by e-mail to crcl@dhs.gov, by facsimile to 202-401-4708, or by standard mail to the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

Thank you again for your letter. Communications like yours provide essential assistance in CRCL's role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. Please do not hesitate to contact me if I can be of further assistance to you.

Sincerely,

A handwritten signature in black ink that reads "Margo Schlanger". The script is fluid and cursive, with the first name "Margo" and last name "Schlanger" clearly legible.

Margo Schlanger
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



Homeland
Security

November 22, 2011

(b)(6)

International Union, UAW
8000 East Jefferson Avenue
Detroit, MI 48214

Re: Complaint No. 11-10-ICE-0287

(b)(6)

Dear (b)(6)

This letter is a follow-up to the letter the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on July 18, 2011, regarding DHS operations in the Detroit area. In particular, I am writing about the allegations in your letter related to (b)(6). Specifically, you alleged that agents of U.S. Immigrations and Customs Enforcement (ICE) entered the home of (b)(6) who is a U.S. citizen, with what they claimed was a warrant, handcuffed her, and detained her until the agents confirmed that she is a U.S. citizen. You alleged that ICE agents entered (b)(6) apartment without authorization and in search of a man she and her husband did not know, searched the apartment, arrested her husband, and pushed her husband hard enough against a wall during his arrest that her husband broke through the drywall. Finally, you alleged that ICE agents detained a relative of (b)(6) who is a U.S. citizen, outside (b)(6) home, entered the home without authorization where they encountered (b)(6) demanded to see (b)(6) identification, and left only after learning he is a U.S. citizen.

In a letter sent to you on July 29, 2011, CRCL informed you that, pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, we would review the information you submitted, as well as any information available from ICE about its inquiries into these matters, and determine whether the incidents suggest the need for any changes to policy or policy implementation. ICE's Office of Professional Responsibility (OPR) investigated each of these incidents and forwarded its Reports of Investigation (ROIs) to CRCL. As part of its investigations, ICE OPR interviewed witnesses and reviewed documents and information related to the incidents. CRCL received the conclusions contained in the final ROIs and concurred in the findings. The ICE ROIs reached the conclusions described below.

Regarding the allegations relating to (b)(6) OPR made several attempts through her attorney to contact (b)(6) and schedule an interview but ultimately was not successful. Through other investigative steps, ICE determined that its agents were not involved in the incident described in your letter and referred the matter to the Office of the Inspector General at the U.S. Department of Justice for its review. Regarding the allegations relating to (b)(6) the evidence gathered by OPR did not substantiate the allegations against the ICE agents. Finally, regarding the allegations relating to (b)(6) the evidence gathered by OPR did not substantiate the allegations against the ICE agents, and OPR learned that (b)(6) did not have any complaint with the behavior of the agents.

Accordingly, based on our review of the facts and circumstances presented in this matter, we have concluded that your concerns have been addressed and we are closing the complaint that contains these three allegations. Nevertheless, CRCL has a separate investigation open that is examining ICE's policies regarding agents obtaining consent to conduct a search. As we complete the other investigation, we will take account of these three incidents and incorporate information about them as appropriate when we formulate our report and recommendations to ICE about any issues we find in that investigation. Also, please note that CRCL will still be in contact with you about the remaining unresolved allegations included in your letter.

We appreciate your bringing these matters to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

COMPLAINT CLOSURE RECOMMENDATION

TO: Tamara J. Kessler, Deputy Officer for Programs and Compliance
FROM: (b)(6) Senior Policy Advisor, Compliance Branch
DATE: November 22, 2011
RE: Complaint No. 11-10-ICE-0287, UAW
(b)(6)

Recommendation:

☐ Close: Insufficient information,
withdrawal, or lack of jurisdiction
☒ Close: Issue(s) resolved

☐ Convert into long-form complaint
☐ Other:

Complaint Synopsis:

CRCL received a letter on July 18, 2011, from (b)(6) International Union, UAW, containing numerous allegations relating to DHS operations in the Detroit area. This particular CRCL complaint includes allegations about three separate incidents involving (b)(6)

Regarding (b)(6) who is a U.S. citizen, the letter alleges that ICE agents entered her home in Pontiac, Michigan, with what they claimed was a warrant, handcuffed her, and detained and questioned her in her own home until the agents confirmed that she is a U.S. citizen. Regarding (b)(6) the letter alleges that ICE agents entered her apartment in Cincinnati, Ohio, without authorization and in search of a man she and her husband did not know, searched the apartment, arrested her husband, and pushed her husband hard enough against a wall during his arrest that her husband broke through the drywall. Regarding (b)(6) who is a U.S. citizen, the letter alleges that ICE agents detained his wife's cousin, (b)(6) outside his home in Wixom, Michigan, entered the home without authorization where they encountered (b)(6) demanded to see (b)(6) identification, and left only after learning he is a U.S. citizen.

Suggested Closure Method(s):

☒ Close letter to complainant
☐ Phone call
☐ Meeting (e.g., mediation, settlement)

☒ Close email/memo to component
☐ High level component communication
☐ No notification necessary

Explanation (Attach any relevant information used in making the recommendation):

CRCL grouped these three allegations together into one complaint. By the time CRCL opened the complaint, ICE had already been notified of the allegations and ICE OPR had conducted an investigation of each. ICE OPR's conclusions were as follows:

Protected by Deliberative Process Privilege

(b)(6) OPR was unable to interview Ms. (b)(6) to gather more information about the allegations because she was on an extended trip to Mexico to care for sick relatives, but OPR made several attempts to reach her and schedule an interview through her attorney. Using the location of the incident, OPR sought information from ERO and HSI about enforcement operations that either branch of ICE was conducting in the area of Ms. (b)(6) home at the time in question. According to ERO and HSI records, neither was conducting enforcement operations in the general area on or around the time alleged in the complaint. The ERO Field Office Director and the HSI Group Supervisor indicated that the DEA had served a number of warrants as part of one of its operations in the area at the time in question. Based on this information, and its lack of other leads, OPR referred the matter to DOJ's OIG for investigation, which CRCL confirmed, and closed its investigation.

(b)(6) OPR interviewed Ms. (b)(6) her husband, (b)(6) the three ICE agents who were involved in the incident, and the supervisor of the ICE agents. The information gathered from Ms. (b)(6) and Mr. (b)(6) presented a very different account of the relevant events than the information obtained from the three ICE agents. The accounts differed as to whether the agents were given permission to enter the apartment, whether the agents were given permission to search the apartment and whether they did in fact search the apartment, whether Mr. (b)(6) provided any resistance to his arrest, how and to what extent the agents used force against Mr. (b)(6) and whether Ms. (b)(6) interfered in Mr. (b)(6) arrest. All of the witnesses agreed that Mr. (b)(6) was not injured during his arrest, he did not seek medical treatment for any injuries, and he collided with the wall during his arrest leaving a hole in the drywall. OPR presented the information gathered to the U.S. Attorney's Office, which declined to prosecute the agents in the matter. As a result of the conflicting accounts, OPR closed its investigation concluding that, based on the evidence it obtained, the allegations of unauthorized search of a residence and unauthorized use of force were unsubstantiated.

(b)(6) OPR interviewed Mr. (b)(6) and the three ICE agents who were involved in the incident. OPR was unable to interview Mr. (b)(6) wife's cousin, (b)(6) because he had been removed from the country and Mr. (b)(6) did not have contact information for him. The account of the events provided by the three ICE agents indicated that they were given permission by Mr. (b)(6) to enter the home. Mr. (b)(6) confirmed that Mr. (b)(6) lived in the home and had a key. Mr. (b)(6) indicated that the agents were professional, asked for his and his wife's identification, and left their home after about 15 minutes without searching it and without any trouble. He also indicated that he had not filed a complaint and did not have an issue with the behavior of the agents; rather, he was contacted by Mr. (b)(6) attorney about the incident after Mr. (b)(6) was detained. OPR closed its investigation after finding no evidence of misconduct and learning that Mr. (b)(6) had no complaints about the ICE agents' actions.

Conclusion:

ICE OPR conducted sufficient investigations into the three incidents consolidated in this complaint. OPR's conclusions were adequately supported by the evidence gathered, and there

was no clear indication of any policy concerns that would warrant recommendations by CRCL. Nevertheless, CRCL has a separate complaint open that is looking at ICE's policies regarding agents obtaining consent to conduct a search, where the information from this complaint may be relevant and provide support for CRCL's recommendations in that matter.

Recommendation:

Given the findings of ICE OPR's investigations, I recommend that we close all three parts of this complaint with a letter to the complainant and a notification to ICE indicating that the matter is closed without recommendations. I also recommend that information about this complaint be shared with the CRCL investigator working on the complaint looking at ICE's policies regarding agents obtaining consent to conduct a search so that the information can be incorporated into that matter as is appropriate.

Recommendation Accepted _____
Not Accepted: _____

A handwritten signature in black ink, appearing to be 'TJM', is written over the line for 'Recommendation Accepted'.

Further Action Required:

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-1089 11-10-ICE-0287 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-08-23 12:13	Update	Executive Summary	Contact-DHS-11-1034 is the July 13, 2011 letter from (b)(6) (b)(6) International Union, United Automobile, Aerospace & Agricultural Implement Workers of America - UAW, to Secretary Janet Napolitano, regarding alleged civil rights violatio	7865	(b)(6)	User Change
DhsComplaint	2011-08-23 12:13	Update	Summary	KEYWORD: ICE Warrant Contact-DHS-11-1034 is the July 13, 2011 letter from (b)(6) (b)(6) International Union, United Automobile, Aerospace & Agricultural Implement Workers of America - UAW, to Secretary Janet Napolitano, regarding alleged	7865		User Change
DhsComplaint	2011-08-23 12:00	Create	Component Referenced	ICE	7865		User Change
DhsComplaint	2011-08-23 12:00	Create	Summary	KEYWORD: ICE Warrant Contact-DHS-11-1034 is the July 13, 2011 letter from (b)(6) (b)(6) International Union, United Automobile, Aerospace & Agricultural Implement Workers of America - UAW, to Secretary Janet Napolitano, regarding alleged	7865		User Change
DhsComplaint	2011-08-23 12:00	Create	Executive Summary	Contact-DHS-11-1034 is the July 13, 2011 letter from (b)(6) (b)(6) International Union, United Automobile, Aerospace & Agricultural Implement Workers of America -	7865		User Change

				UAW, to Secretary Janet Napolitano, regarding alleged civil rights violatio		(b)(6)
DhsComplaint	2011-08-23 12:00	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7865	User Change
DhsComplaint	2011-08-23 12:00	Create	Days to Process	36	7865	User Change
DhsComplaint	2011-08-23 12:00	Create	Date Due to Exec Sec	07/28/2011	7865	User Change
DhsComplaint	2011-08-23 12:00	Create	Date to Exec Sec	07/18/2011	7865	User Change
DhsComplaint	2011-08-23 12:00	Create	Date to CRCL	07/18/2011	7865	User Change
DhsComplaint	2011-08-23 12:00	Create	Date to DHS	07/13/2011	7865	User Change
DhsComplaint	2011-08-23 12:00	Create	Date on Correspondence	07/13/2011	7865	User Change
DhsComplaint	2011-08-23 12:00	Create	Control Number	915306	7865	User Change
DhsComplaint	2011-08-23 12:00	Create	Sender Type	Exec Sec	7865	User Change
DhsComplaint	2011-08-23 12:00	Create	Method of Receipt	Email	7865	User Change
DhsComplaint	2011-08-23 12:00	Create	Entry Date	08/23/2011	7865	User Change
DhsComplaintAction	2011-10-25 16:51	Create	Action Date	10/24/2011	106273	User Change
DhsComplaintAction	2011-10-25 16:51	Create	Action	Short Form	106273	User Change
DhsComplaintAction	2011-09-02 13:18	Create	Action Date	09/02/2011	105928	User Change
DhsComplaintAction	2011-09-02 13:18	Create	Primary Assignment	(b)(6)	105928	User Change
DhsComplaintAction	2011-09-02 13:18	Create	Action	Back from Officer	105928	User Change
DhsComplaintAction	2011-09-02 13:18	Create	Comments	Short Form assign to (b)(6)	105928	User Change
DhsComplaintAction	2011-08-25 13:26	Create	Action Date	08/25/2011	105881	User Change
				On August 16, 2011, Jeffrey Blumberg,		

DhsComplaintAction	2011-08-25 13:26	Create	Comments	Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it (b)(5)	105881	(b)(6)	User Change
DhsComplaintAction	2011-08-25 13:26	Create	Action	Awaiting Recommendation	105881		User Change
DhsComplaintAction	2011-08-25 13:25	Create	Action Date	08/25/2011	105880		User Change
DhsComplaintAction	2011-08-25 13:25	Create	Document	11-10-ICE-0287 (OIG Response 8.25.2011).pdf	105880		User Change
DhsComplaintAction	2011-08-25 13:25	Create	Action	IG Declines/Back from IG	105880		User Change
DhsComplaintAction	2011-08-23 12:53	Create	Action Date	08/23/2011	105860		User Change
DhsComplaintAction	2011-08-23 12:53	Create	Action	Sent to IG	105860		User Change
DhsComplaintAction	2011-08-23 12:52	Create	Action Date	08/16/2011	105859		User Change
DhsComplaintAction	2011-08-23 12:52	Create	Comments	On August 16, 2011, Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it (b)(5)	105859		User Change
DhsComplaintAction	2011-08-23 12:52	Create	Action	Open a Complaint	105859		User Change
DhsComplaintAction	2011-12-05 13:12	Create	Internal Summary	Summary to be written.	106650		User Change
DhsComplaintAction	2011-12-05 13:12	Create	Document	SHORT FORM (b)(6) 11-10-ICE-0287_Signed 11-22-11.pdf	106650		User Change
DhsComplaintAction	2011-12-05 13:12	Create	Action Date	11/22/2011	106650		User Change
DhsComplaintAction	2011-12-05 13:12	Create	Action	Closed - Short Form/No Further Action	106650		User Change
DhsComplaintAction	2011-12-05 13:12	Create	Reporting Summary	Summary to be written.	106650		User Change
DhsComplaintDocument	2011-12-05 13:10	Update	Document 2	SHORT FORM (b)(6) 11-10-ICE-0287_Signed 11-22-	85584		User Change

				11.pdf		(b)(6)	
DhsComplaintDocument	2011-11-22 13:25	Create	Foreign Language	No	85584		User Change
DhsComplaintDocument	2011-11-22 13:25	Create	Document 1	CRCL Close Letter Complaint No. 11-10-ICE-0287.pdf	85584		User Change
DhsComplaintDocument	2011-11-22 13:25	Create	Document Type	Closed Letter	85584		User Change
DhsComplaintDocument	2011-11-22 13:25	Create	Dateentered	11/22/2011	85584		User Change
DhsComplaintDocument	2011-08-23 12:06	Update	Document 3	7 18 2011 (b)(6) supplemental-ICE OPR review findings.pdf	84894		User Change
DhsComplaintDocument	2011-08-23 12:03	Create	Foreign Language	No	84895		User Change
DhsComplaintDocument	2011-08-23 12:03	Create	Dateentered	08/23/2011	84895		User Change
DhsComplaintDocument	2011-08-23 12:03	Create	Document Type	Acknowledgement Letter	84895		User Change
DhsComplaintDocument	2011-08-23 12:03	Create	Document 1	7 29 2011 915306 DHS CRCL letter to (b)(6) of UAW Detroit.pdf	84895		User Change
DhsComplaintDocument	2011-08-23 12:02	Create	Document 2	7 25 2011 (b)(6) Rep. Conyers Letter.pdf	84894		User Change
DhsComplaintDocument	2011-08-23 12:02	Create	Foreign Language	No	84894		User Change
DhsComplaintDocument	2011-08-23 12:02	Create	Dateentered	08/23/2011	84894		User Change
DhsComplaintDocument	2011-08-23 12:02	Create	Document Type	Incoming Letter	84894		User Change
DhsComplaintDocument	2011-08-23 12:02	Create	Document 1	7 18 2011 (b)(6) pdf	84894		User Change
DhsComplaintIssue	2011-08-23 12:12	Create	Ongoing	No	13118		User Change
DhsComplaintIssue	2011-08-23 12:12	Create	Situation	DHS law enforcement activity	13118		User Change
DhsComplaintIssue	2011-08-23 12:12	Create	Incident Location Type	Residence	13118		User Change
DhsComplaintIssue	2011-08-23 12:12	Create	Redirect to Subject	No	13118		User Change
DhsComplaintIssue	2011-08-23 12:12	Create	(b)(5)	(b)(5)	13118		User Change

DhsComplaintIssue	2011-08-23 12:12	Create	Primary Issue	No	13118	(b)(6)	User Change
DhsComplaintIssue	2011-08-23 12:11	Create	State	Michigan - MI	13117		User Change
DhsComplaintIssue	2011-08-23 12:11	Create	Ongoing	No	13117		User Change
DhsComplaintIssue	2011-08-23 12:11	Create	Situation	DHS law enforcement activity	13117		User Change
DhsComplaintIssue	2011-08-23 12:11	Create	Incident Location Type	Residence	13117		User Change
DhsComplaintIssue	2011-08-23 12:11	Create	Incident Date	01/03/2011	13117		User Change
DhsComplaintIssue	2011-08-23 12:11	Create	Redirect to Subject	No	13117		User Change
DhsComplaintIssue	2011-08-23 12:11	Create	City	Pontiac	13117		User Change
DhsComplaintIssue	2011-08-23 12:11	Create	(b)(5)	(b)(5)	13117		User Change
DhsComplaintIssue	2011-08-23 12:11	Create	Primary Issue	Yes	13117		User Change
DhsComplaintIssue	2011-08-23 12:11	Create	Incident Location	Walton Manor Trailer Park	13117		User Change
DhsComplaintPartiesInvolved	2011-08-23 12:16	Create	Prefix	Ms	22169		User Change
DhsComplaintPartiesInvolved	2011-08-23 12:16	Create	Last Name	(b)(6)	22169		User Change
DhsComplaintPartiesInvolved	2011-08-23 12:16	Create	Contact Type	On Behalf Of	22169		User Change
DhsComplaintPartiesInvolved	2011-08-23 12:16	Create	First Name	(b)(6)	22169		User Change
DhsComplaintPartiesInvolved	2011-08-23 12:15	Create	Prefix	Mrs	22168		User Change
DhsComplaintPartiesInvolved	2011-08-23 12:15	Create	Zip Code	48214	22168		User Change
DhsComplaintPartiesInvolved	2011-08-23 12:15	Create	Phone	(b)(6)	22168		User Change
DhsComplaintPartiesInvolved	2011-08-23 12:15	Create	Other Organization	UAW	22168		User Change
DhsComplaintPartiesInvolved	2011-08-23 12:15	Create	Organization	Other	22168		User Change

DhsComplaintPartiesInvolved	2011-08-23 12:15	Create	Address Line 1	8000 East Jefferson Ave.	22168	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011-08-23 12:15	Create	State	Michigan - MI	22168		User Change
DhsComplaintPartiesInvolved	2011-08-23 12:15	Create	City	Detroit	22168		User Change
DhsComplaintPartiesInvolved	2011-08-23 12:15	Create	Last Name	(b)(6)	22168		User Change
DhsComplaintPartiesInvolved	2011-08-23 12:15	Create	Contact Type	Sender	22168		User Change
DhsComplaintPartiesInvolved	2011-08-23 12:15	Create	First Name	(b)(6)	22168		User Change

From: (b)(6)
To: (b)(6)
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 11-10-ICE-0289
Date: Tuesday, August 30, 2011 9:21:31 AM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The Office of Inspector General will investigate this matter. Please do not authorize or take any action concerning this matter without first conferring with this office. Discussion of this matter should be limited to persons having an official need-to-know. Any press inquiries regarding this matter should be directed to this office.

If you have any questions concerning this matter, you may contact (b)(6) Deputy Assistant Inspector General for Investigations-Field Operations at 202-(b)(6)

From: (b)(6)@dhs.gov]
Sent: Tuesday, August 23, 2011 3:21 PM
To: (b)(6)
Cc: (b)(6)
Subject: CRCL Complaint Number 11-10-ICE-0289

(b)(6)

Summary of new complaint for your review:

On July 18, 2011, CRCL received an Exec Sec tasker(WF#915306) in regards to correspondence dated July 13, 2011 sent to Secretary Janet Napolitano, from (b)(6) of United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), alleging incidents of profiling and conditions of detention in the Detroit, Michigan area involving ICE and CBP.

(b)(6) of UAW on behalf of (b)(6) a Lawful Permanent Resident (LPR), and her son, (b)(6) a US Citizen, alleging that in February 2011 in Grand Rapids, Michigan, when pulling into their relatives' driveway for a visit, unidentified ICE agents ran toward them, pointed a gun at (b)(6) ordered him to show ID, which they both showed driver's license. Allegedly, then Ice handcuffed (b)(6) and escorted her to the back of the car where an agent held a gun to her back and repeatedly banged her head into the trunk of the car yelling at her to admit she was (b)(6). Finally, ICE escorted a handcuffed (b)(6) into an apartment where they were interrogated.

Thank you.

(b)(6)

Program Analyst
Compliance Branch
Office for Civil Rights & Civil Liberties
Department of Homeland Security



Homeland
Security

September 25, 2012

(b)(6)

International Union, United Automobile, Aerospace,
and Agricultural Implement Workers of American (UAW)
8000 E. Jefferson Avenue
Detroit, MI 48214

Re: Complaint No. 11-10-ICE-0289

(b)(6)

Dear (b)(6)

This letter is a follow-up to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received by the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW) on July 13, 2011, which raised a series of allegations regarding the treatment of individuals by the U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP). In particular, one of your allegations involved the treatment of (b)(6) by ICE agents in Grand Rapids, Michigan. In the complaint, you allege that ICE agents improperly detained, interrogated, and assaulted (b)(6) when they attempted to visit relatives.

In a letter sent to you on July 29, 2011, CRCL informed you that our office would review the allegations raised in your complaint and determine the appropriate course of action to take in investigating it. Since receipt of the complaint, however, we have learned that a lawsuit has been filed on behalf of (b)(6) in the United States District Court for the Western District of Michigan regarding the same incident referenced in your complaint. The lawsuit is against a number of defendants, including two ICE agents. Since the Court will be addressing the allegation in your complaint involving (b)(6) CRCL has decided to monitor this litigation and wait for it to conclude before finalizing our investigation of this particular allegation. When the litigation concludes, CRCL will contact you if our office intends to take any further action on this matter.

We appreciate your bringing this matter to our attention. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



Homeland
Security

September 25, 2012

(b)(6)

ACLU of Michigan
89 Ionia NW, Suite 300
Grand Rapids, MI 49503
(b)(6)@aclumich.org

Re: Complaint No. 11-10-ICE-0289

(b)(6)

Dear (b)(6)

This letter is a follow-up to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received by the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of American (UAW) regarding the treatment of your clients, (b)(6) by agents of U.S. Immigration and Customs Enforcement (ICE). The complaint alleges that ICE agents improperly detained, interrogated, and assaulted your clients in Grand Rapids, Michigan, when they attempted to visit relatives.

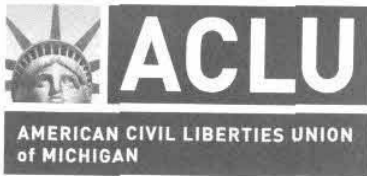
In a letter sent on July 29, 2011, CRCL informed the UAW that our office would review the allegations raised in the complaint and determine the appropriate course of action to take in investigating it. Since receipt of this complaint, however, we have learned that you have filed a lawsuit on behalf of your clients in the United States District Court for the Western District of Michigan regarding the same incident referenced in the complaint. The lawsuit is against a number of defendants, including two ICE agents. Since the Court will be addressing the same allegations that were made in the complaint, CRCL has decided to monitor this litigation and wait for it to conclude before finalizing our investigation of the complaint. When the litigation concludes, CRCL will contact you if our office intends to take any further action on this matter.

We appreciate your bringing this matter to our attention. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Blumberg".

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



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2966 Woodward Avenue
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West Michigan Regional Office
89 Ionia NW, Suite 300
Grand Rapids, MI 49503
Phone 616.301.0930
Fax 616.456.1450
Email aclu@aclumich.org
www.aclumich.org

June 13, 2011

(b)(6),(b)(7)(C)

Senior Special Agent
Department of Homeland Security
Office of Professional Responsibility
9450 W. Bryn Mawr, Suite 650
Rosemont, IL 60018

(b)(6)

Deputy Chief
United States Department of Justice
Civil Rights Division/Criminal Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: OPR Criminal Investigation

Dear (b)(6),(b)(7)(C) and (b)(6)

On June 1, 2011, Agent (b)(6),(b)(7)(C) contacted the American Civil Liberties Union of Michigan in response to a press release (see attached) regarding the unlawful conduct by agents of Immigration and Customs Enforcement (ICE) against our clients, (b)(6). (b)(6) indicated that, based on the serious nature of the allegations, which include charges that ICE agents unlawfully arrested and assaulted our clients based on the color of their skin, the Department of Homeland Security's Office of Professional Responsibility has initiated a criminal investigation. (b)(6),(b)(7)(C) requested that we make our clients available for interviews.

Since then we have had several exchanges with (b)(6),(b)(7)(C) about how such interviews might take place, in light of the fact that our clients have filed an administrative complaint under the Federal Tort Claims Act which, if unresolved, could well result in civil litigation. We include the Department of Justice Civil Rights Division Criminal Section on this correspondence, as we believe that one possible approach going forward is for the criminal investigation to be handled by DOJ's Civil Rights Division Criminal Section. Given that the arrest and assault of our clients occurred after our clients showed valid identification, and therefore seems to have been based solely on the fact that they appeared Hispanic, it would be appropriate for the investigation and potential prosecution to be handled by the Civil Rights Division Criminal Section.

Our clients welcome the investigation into the abuse they suffered. It is critical that the ICE agents responsible for this misconduct are held accountable. There is no place in ICE enforcement operations for agents who assume that Hispanic-appearing persons are unlawfully present in the United States, much less for agents who commit assaults based on that faulty assumption. Our clients recognize that their testimony is central to the investigation, and they are eager to ensure that an investigation takes place.



Celebrating 50 Years

Kary L. Moss, Esq. | Executive Director

Ralph Simpson, Esq. | President

Mark Granzotto, Esq. | General Counsel

2015-CRFO-0000200489

At the same time, before our clients agree to participate, they need reassurance that the goal of any investigation is to uncover and address ICE misconduct, not to impose a one-sided discovery process for use against our clients or their family members in any subsequent administrative or civil proceedings. This issue is of particular concern since the entities responsible for making determinations regarding potential criminal liability of the agents are potentially the same entities responsible for defending ICE in civil litigation. Specifically, (b)(6),(b)(7)(C) indicated that the Department of Homeland Security's Office of the Principal Legal Advisor (OPLA) would both be privy to all statements made during the criminal investigation, and would at the same time participate in defending ICE in any civil litigation. Moreover, we would note that if any criminal proceedings are prosecuted by the local U.S. Attorney's Office, that Office might well also be responsible for the defense of any civil suit.

We are hopeful that we can reach agreement on a process that would allow our clients to cooperate with a criminal investigation, while ensuring that their interests are protected. We see three possible avenues by which such an investigation could proceed.

That first alternative would be for the criminal investigation to be conducted directly by the Department of Justice's Civil Rights Division Criminal Section. While it is our understanding that an OPR investigation is necessary for officer discipline (which could occur subsequent to the criminal investigation), OPR is not the only entity with jurisdiction to pursue a criminal investigation. Given the allegations here, investigation by the Civil Rights Division Criminal Section would be appropriate. Although theoretically the local U.S. Attorney's office could also handle the investigation, that raises potential conflict issues. Not only may the U.S. Attorney's Office for the Western District potentially handle the civil litigation, but the Office may well be relying, in other criminal prosecutions, on testimony by the very agents under investigation here.

If the Civil Rights Division pursues the investigation, we would need to ensure that any statements made to investigators or attorneys in the Civil Rights Division not be disclosed beyond that Division to DOJ attorneys responsible for defending the civil litigation or to the Department of Homeland Security's Office of the Principal Legal Advisor. We assume that the Civil Rights Division has experience creating firewalls in such situations, and that those standard conflict protections would apply. To further ensure that our clients' interests are protected, we would also ask that counsel be allowed to be present during any testimony by our clients in front of a Grand Jury.

The second option is for OPR to continue handling the investigation. In order for our clients to be available for interviews by OPR investigators, we would need to ensure that basic procedural protections be incorporated into the OPR investigation. In particular, we want to ensure that neither ICE nor its legal representatives gain an unfair advantage by accessing information or statements revealed in interviews that could be used against our clients or their family members in other legal proceedings, including civil litigation. In short, we want to make our clients available for an impartial, independent, and thorough investigation, but we cannot allow ICE to use the investigation results as a means of extrajudicial discovery. The process, as proposed by OPR, would give ICE and its legal representatives access to all of OPR's internal investigation

records, while we would have no parallel right of access to the statements of ICE agents or even to the overall results of the investigation.

In order to ensure a level playing field, we would ask for the following basic procedural protections:

- Written assurance that any statement made by our clients during the course of the investigation will not be used against them or their family members in any future administrative or legal proceedings;
- Written assurance that neither the final OPR report nor any part thereof will be used against our clients in any future proceedings;
- Written assurance that OPR will not orally or otherwise communicate the content of the interviews or the final OPR report to any person involved in administrative or civil proceedings against our clients or their family members, including, but not limited to OPLA attorneys involved in handling the FTCA complaint or related civil litigation, the Civil Divisions of the U.S. Attorneys' Offices for the Western and Eastern Districts of Michigan, any other Department of Justice Attorneys involved in the FTCA complaint or related civil litigation, and the ICE Trial Division;
- Written assurance that OPR will provide notice when the final OPR report is prepared and will provide a copy of the report upon receipt of a Freedom of Information Act Request;
- Written assurance that our clients will be interviewed with counsel present and that any interviews provided under oath will be recorded;
- Written assurance that OPR will provide us with a copy of its records of our clients' interviews within fourteen (14) days of the dates on which the interviews take place;
- Written assurance that OPR will provide us with written notice at least ten (10) days in advance of releasing any records of our clients' interviews or other statements by our clients pursuant to the Freedom of Information Act, so that we can determine whether any such release would be proper.

Since (b)(6),(b)(7)(C) has indicated that OPR itself cannot provide such assurances, those assurances would need to be provided in writing by appropriate ICE or DHS officials who have the authority to provide such assurances.

Finally, if OPR is unable to provide the assurances we have requested, we would suggest an attorney proffer. As counsel we have thoroughly investigated this case, including extensive interviews with our clients and other witnesses, and we are fully versed in the facts. We are prepared to speak for our clients and, if interviewed by OPR, can provide full information about what occurred. We are also prepared to have our clients attend such an interview. Should any

factual questions arise which counsel cannot answer, we would be able to speak to our clients privately and then relay that information to the investigating OPR agent.

We believe that this approach provides OPR with all of the evidence it will need to conduct a thorough and fair investigation, without prejudicing our clients' civil claims. If the information gained by OPR through the attorney proffer and other sources results in this case being accepted for criminal prosecution, we would then make our clients available directly to the prosecuting attorney, provided that conflict protections are in place.

Let me reiterate that our clients are eager to participate in the investigation and are eager to see the agents involved held accountable. While we cannot prejudice our clients' interests for the sake of the investigation, we are confident that one of the solutions outlined above will allow both the criminal investigation and the civil claims to move forward.

We look forward to hearing from you.

Sincerely,

(b)(6)

Staff Attorney
West Michigan Regional Office

616-(b)(6)

(b)(6)

(b)(6)

616-(b)(6)

(b)(6)

Michigan Immigrants Rights Center

269-(b)(6)

From: (b)(6)
To:
Subject: RE: Complaint No. 11-10-ICE-0289
Date: Wednesday, July 11, 2012 10:28:51 AM

(b)(6) It was one of the UAW complaints.

From: (b)(6)
Sent: Wednesday, July 11, 2012 10:26 AM
To: (b)(6)
Subject: Re: Complaint No. 11-10-ICE-0289

Which one is it? Name?

From: (b)(6)
Sent: Wednesday, July 11, 2012 02:17 PM
To: (b)(6)
Subject: Complaint No. 11-10-ICE-0289

Just wanted to let you know that the IG has administratively closed its investigation into this complaint without a report. According to the OIG, OPR conferred with CRCL on this complaint prior to OIG involvement. If you've been holding off on working on this complaint because the IG was investigating, you can start working on it again

Non Responsive

Non Responsive

(b)(6)
Senior Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) 357-(b)(6)
(b)(6)@dhs.gov

=====
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=====

From: (b)(6),(b)(7)
To: Blumberg, Jeffrey; (b)(6)
Cc: (b)(6)
Subject: RE: UAW Close Letter (Litigation)
Date: Friday, September 14, 2012 9:55:52 AM

I am not sure if particular what types of recommendations might come out of this- but it is an

(b)(5)

Basically, it looks like the complainants (a USC and LPR) were going to visit a friend/relative's house, where ICE was apparently conducting some type of operation to find undocumented individuals. The allegation is that the ICE agents approached the complainants' car, detained them, handcuffed them, and subsequently assaulted one of them by banging her head against the car trunk (apparently under the impression that she might be someone else). They also allege that the officers took them into the home to further detain and question them.

OPR investigated and did not find that ICE violated any policies (although they never spoke to the complainants, due to issues related to the ongoing litigation). According to the attorney (who is from the ACLU of Michigan), they are going to be collecting affidavits from the complainants and witnesses in the next month or so, which they are happy to forward along.

From: Blumberg, Jeffrey
Sent: Thursday, September 13, 2012 8:29 PM
To: (b)(6)
Cc: (b)(6),(b)(7)(C) (b)(6)
Subject: RE: UAW Close Letter (Litigation)

Fine to close. (b)(5)

(b)(5)

(b)(5) Anything in particular with this one that we know we will be interested in?

From: (b)(6)
Sent: Thursday, September 13, 2012 5:02 PM
To: Blumberg, Jeffrey
Cc: (b)(6)
Subject: FW: UAW Close Letter (Litigation)

#6.

(b)(6)
Senior Policy Advisor
Office for Civil Rights and Civil Liberties
(202) 357-(b)(6)
(b)(6)@dhs.gov

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security's Office of the General Counsel before disclosing any information

contained in this email.

From: (b)(6)
Sent: Wednesday, September 12, 2012 4:38 PM
To: (b)(6)
Cc: (b)(6),(b)(7)(C)
Subject: UAW Close Letter (Litigation)

Hello (b)(6)

Thanks to you and (b)(6),(b)(7)(C) attached are the close letters based on the pending litigation for this case. One is for the UAW and the other is for the attorney representing the individuals who we also spoke with about this case.

Complaint No. 11-10-ICE-0289

(b)(6)

If you need any changes etc. you can send them to (b)(6),(b)(7)(C) and either of you can feel free to close the case in my absence – unless it happens tomorrow. I am also happy to do it when I get back.

(b)(6),(b)(7)(C) – if it falls to you, and you have not done this, we just put a short summary in the database indicating why the case was closed.

Thanks again!!

(b)(6)

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-1093 11-10-ICE-0289 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
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DhsComplaintIssue	2012-05-01 11:03	Create	Incident Date	07/13/2011	13485		User Change

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DhsComplaintPartiesInvolved	2011-08-23 13:52	Create	State	Michigan - MI	22180		User Change
DhsComplaintPartiesInvolved	2011-08-23 13:52	Create	Address Line 1	8000 East Jefferson Ave.	22180		User Change
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DhsComplaintPartiesInvolved	2011-08-23 13:52	Create	Other Organization	UAW	22180		User Change
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DhsComplaintPartiesInvolved	2011-08-23 13:52	Create	Zip Code	48214	22180		User Change
DhsComplaintPartiesInvolved	2011-08-23 13:52	Create	Prefix	Mrs	22180		User Change
DhsComplaintPartiesInvolved	2011-08-23 15:19	Create	First Name	(b)(6)	22181		User Change
DhsComplaintPartiesInvolved	2011-08-23 15:19	Create	Contact Type	On Behalf Of	22181		User Change
DhsComplaintPartiesInvolved	2011-08-23 15:19	Create	Last Name	(b)(6)	22181		User Change
DhsComplaintPartiesInvolved	2011-08-23 15:19	Create	Prefix	Mrs	22181		User Change
DhsComplaintPartiesInvolved	2011-08-23 15:20	Create	First Name	(b)(6)	22182		User Change
DhsComplaintPartiesInvolved	2011-08-23 15:20	Create	Contact Type	On Behalf Of	22182		User Change
DhsComplaintPartiesInvolved	2011-08-23 15:20	Create	Last Name	(b)(6)	22182		User Change
DhsComplaintPartiesInvolved	2011-08-23 15:20	Create	Prefix	Mr	22182		User Change

Dent, Martina

From: (b)(6)@dhs.gov]
Sent: Tuesday, October 04, 2011 10:25 AM
To: (b)(6)
Cc:
Subject: RE: CRCL Complaint Number 11-10-ICE-0309

Follow Up Flag: Follow up
Flag Status: Flagged

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@dhs.gov]
Sent: Monday, October 03, 2011 1:31 PM
To: (b)(6)
Cc:
Subject: CRCL Complaint Number 11-10-ICE-0309

(b)(6)

Summary of new complaint for your review:

On July 1, 2011, CRCL received informal email correspondence from the National Alliance of La Raza in regard to concerns that were first reported verbally to Secretary Napolitano by the CEO of NewCapital LLC, (b)(6). (b)(6) Allegedly, over labor day weekend of 2010, ICE officers entered a building in the Los Angeles metropolitan area that is managed by NewCapital LLC, then at 3:00 am detained a mother and two children, 7 and 12 years of age were left behind, alone until family members came to get them because tenants in the building contacted them.

The name of the detained mother and children are unknown.

In addition, allegedly ICE agents were also parked outside of the building for three days waiting for tenants that they wanted to pick up. The property manager spoke to the agents and asked if they had warrants and the ICE agents responded that they did not and eventually left.

Thank you.

(b)(6)

Program Analyst
Compliance Branch
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(b)(6)

From: (b)(6)
Sent: Tuesday, September 27, 2011 4:23 PM
To: (b)(6)
Subject: FW: NCLR board member

Follow Up Flag: Follow up
Flag Status: Flagged

(b)(6)

Please go ahead and log in the matter below as a **Complaint**. No acknowledgement letter needs to be sent.

Jeff said today that he wants it to be opened and closed as a short-form complaint. Recommend that it be assigned to me. I'll upload the emails I sent to NewCapital LLC after this is logged in. I haven't received any response to my latest email to (b)(6). We have no identifying information about the individual removed or specific location where the ICE operation took place (somewhere in the Los Angeles metropolitan area, presumably).

Thanks,

(b)(6)

From: (b)(6)
Sent: Tuesday, September 13, 2011 10:00 AM
To: (b)(6)
Subject: RE: NCLR board member

Hi (b)(6)

Please log this in only as a Contact/Info Tracking matter for now. I've contacted (b)(6) several times in writing and by phone since July 20, 2011, and to date she has not responded with any information identifying the name of the person removed or any other details about the allegations.

Margo asked about the status last month and (b)(5). (b)(5) I'll keep you posted. (b)(6) email auto-reply said that she was out of the office until September 7, 2011. So far, after she returned to the office, I have not heard from her.

(b)(6)

202-357-(b)(6)
(b)(6)@hq.dhs.gov

From: (b)(6)
Sent: Tuesday, September 13, 2011 9:42 AM
To: (b)(6)
Subject: RE: NCLR board member

Hi (b)(6)

Want to let you know that this email below got lost in my archives; therefore, it has not been processed yet. I am processing it now and opening it as a complaint. Have there been any new developments in the matter that I need to note in Entellitrak?

Thank you

(b)(6)
Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357-(b)(6) phone)
(202) (b)(6) (bb)
(b)(6) @dhs.gov

From: (b)(6)
Sent: Thursday, July 21, 2011 4:15 PM
To: (b)(6)
Subject: FW: NCLR board member

(b)(6)

Can you please log in the ICE complaint below? As stated at today's case opening review meeting, it's being handled as an expedited **short-form** complaint. (b)(5) (b)(6) (b)(5)

We have not yet received the formal correspondence from NEWCapital LLC. Therefore, no acknowledgement letter needs to be sent yet.

To expedite this complaint, Jeff said that CRCL will interview the complainant to get more information. (b)(6) is the POC for NewCapital LLC whose name and contact information was given to (b)(6). Whether (b)(6) will be preparing and/or signing the complaint letter to CRCL is unclear. (b)(6) contact info:

(b)(6) NEWCapital LLC

(b)(6) @newcapital-llc.com

213 (b)(6) (cell)

The National Alliance of La Raza ("La Raza") informally reported this matter to CRCL (b)(6) in the informally to CRCL, and (b)(6) from La Raza does not need to be listed as a Source in our database. The concerns were first reported verbally to Secretary Napolitano by the CEO of NEWCapital LLC, (b)(6)

Yesterday I emailed (b)(6) of NEWCapital LLC (the company that manages the property where the alleged incident occurred), to request that details about the matter be sent to CRCL in writing, if NEWCapital wants CRCL to review the concerns. (b)(6) agreed to send such correspondence.

I had first called (b)(6) this Monday to let her know how CRCL learned of this matter and to request more information. She told me at the time she had to take care of urgent matters at work, and would call me back later that day. After not hearing from her, I called her again yesterday to follow up and let her know how to file a complaint with CRCL. She apologized for not calling, saying that it has been a busy week. Later yesterday, I sent her an email to reiterate the procedure for sending a complaint to CRCL, including links to our website and the webpage with the Complaint Form.

Thanks,

(b)(6)
202-357-(b)(6)
(b)(6)@hq.dhs.gov

From: Blumberg, Jeffrey
Sent: Sunday, July 17, 2011 9:27 PM
To: (b)(6)
Cc: (b)(6)
Subject: FW: NCLR board member

Can we also discuss this one on Thursday?

Thanks,

Jeff

From: (b)(6)@dhs.gov]
Sent: Wednesday, July 13, 2011 7:22 PM
To: Blumberg, Jeffrey; (b)(6)
Cc: (b)(6)
Subject: Re: NCLR board member

Sure. If you could just keep me informed of major milestones that you can share: had the initial call, decided to open an investigation, on-going, etc that would be great. NCLR asked for updates too. Of course do let us know if there are stuff you can't share.

(b)(6)

Policy Advisor
Community Engagement Section
US Department of Homeland Security
Office for Civil Rights and Civil Liberties
202-357-(b)(6) Office)
202-(b)(6) Mobile)
(b)(6)@dhs.gov
Sent using BlackBerry

This message may contain agency deliberative communications, privacy information or other information that may be privileged and exempt from disclosure outside the agency or to the public. Please consult with the US Department of Homeland Security, Office for Civil Rights and Civil Liberties and the Office of General Counsel before disclosing any information contained in this email.

From: Blumberg, Jeffrey [mailto:(b)(6)@dhs.gov]
Sent: Wednesday, July 13, 2011 04:34 PM
To: (b)(6); Blumberg, Jeffrey; (b)(6)
Cc: (b)(6)
Subject: Re: NCLR board member

Thanks (b)(6) We can make the initial call. Appreciate the help.

Jeff

From: (b)(6)@dhs.gov]

Sent: Wednesday, July 13, 2011 04:03 PM

To: (b)(6) Blumberg, Jeffrey (b)(6)

(b)(6)

Subject: Re: NCLR board member

Jeff - I finally have the contact info for the (b)(6) at NEW Capital, the company whose CEO is the NCLR Board Member.

She is the person to follow up to get more details. I can do an initial call to express our interest in getting more details for a possible investigation, but if you'd like to take over at this point I'm fine too.

In a quick chat with Margo about this she mentioned this should be a short form complaint.

The (b)(6) She can be reached at

(b)(6)@newcapital-llc.com or by cell at

213-(b)(6)

(b)(6)

Policy Advisor

Community Engagement Section

US Department of Homeland Security

Office for Civil Rights and Civil Liberties

202-357-(b)(6) (Office)

202-(b)(6) (Mobile)

(b)(6)@dhs.gov

Sent using BlackBerry

This message may contain agency deliberative communications, privacy information or other information that may be privileged and exempt from disclosure outside the agency or to the public. Please consult with the US Department of Homeland Security, Office for Civil Rights and Civil Liberties and the Office of General Counsel before disclosing any information contained in this email.

From: (b)(6)

Sent: Monday, July 11, 2011 04:06 PM

To: (b)(6) Blumberg, Jeffrey (b)(6)

Subject: RE: NCLR board member

At this point it may be worth reaching out directly to the Board Member or her staff at her company where the incident happened. I will get the contact info. Best,

(b)(6)

DHS CRCL

W: 202-357-(b)(6)

C: 202-(b)(6)

This message may contain agency deliberative communications, privacy information or other information that may be privileged and exempt from disclosure outside the agency or to the public. Please consult with the US Department of Homeland Security, Office for Civil Rights and Civil Liberties and the Office of General Counsel before disclosing any information contained in this email.

From: (b)(6)
Sent: Monday, July 11, 2011 1:58 PM
To: (b)(6); 'Blumberg, Jeffrey'; (b)(6)
Subject: RE: NCLR board member

Compliance and Engagement,

FYI, I followed up with ICE on whether there is any relevant policy to cover a situation like this and was given the following policy. I shared it with Margo (b)(5)

(b)(5)

I am sure Compliance will need additional info before opening a complaint, and perhaps it depends in part on NCLR's willingness to make this a complaint. But, I thought I'd share the policy in the meantime.

Let us know if Immigration Section can be of further assistance.

Thanks,

(b)(6)

From: (b)(6)
Sent: Wednesday, July 06, 2011 3:18 PM
To: 'Blumberg, Jeffrey'; (b)(6)
Subject: FW: NCLR board member

Folks – Over the long weekend I finally heard from NCLR re: the ICE issue brought up by a Board Member to Secretary Napolitano at their meeting 2 weeks ago. The Board member is from L.A. (not Miami) . Below is a basic description of events although I am sure you will have additional questions. I already asked if we could have direct contact information/communication with the staff at NEWCapital in case we choose to request additional details.

Best,

(b)(6)

DHS CRCL

W: 202-357-(b)(6)

C: 202-(b)(6)

This message may contain agency deliberative communications, privacy information or other information that may be privileged and exempt from disclosure outside the agency or to the public. Please consult with the US Department of Homeland Security, Office for Civil Rights and Civil Liberties and the Office of General Counsel before disclosing any information contained in this email.

From: (b)(6)@nclr.org]
Sent: Friday, July 01, 2011 12:23 PM
To: (b)(6)
Subject: NCLR board member

Hi (b)(6)

I apologize for the delay in responding to your message. The NCLR board member who spoke at the meeting with Secretary Napolitano about the incident of children being left behind after an immigration enforcement action was (b)(6) the CEO of NEWCapital LLC in Los Angeles, CA.

I was able to speak to the (b)(6) for NEWCapital and she gave me some info on the incident. Over labor day weekend last year, ICE officers entered a building that is managed by NEWCapital LLC (most of the tenants are working single mothers) and knocked on the door of an apartment at 3 or 4am and detained a mother who was in her pajamas. She was removed from the building in pajamas and sandals without having an opportunity to change much less make arrangements for her children who had been sleeping. The children are 7 and 12 years old and were left alone until family members came to get them because tenants in the building contacted them. The mother has since been deported to Mexico and the children are living with their father.

Apparently ICE agents were also parked outside of the building for three days waiting for tenants that they wanted to pick up. The property manager spoke to the agents and asked if they had warrants and the ICE agents responded that they did not and eventually left.

I hope this information is useful. Please feel free to contact me if I can help out in any way.
Safe travels to the conferences!

Best.

(b)(6)

(b)(6) Immigration Legislative Analyst
Immigration Policy Project

National Council of La Raza (NCLR)

Headquarters

MAIN 202.785.1670

TEL 202 (b)(6)

FAX 202 (b)(6)



Visit NCLR's [Website](#) | [Blog](#) | [Facebook](#) | [Twitter](#)

From: (b)(6)
Sent: Thursday, July 21, 2011 9:02 AM
To: Blumberg, Jeffrey
Cc: (b)(6)
Subject: RE: NCLR board member

Okay. Yesterday I gave (b)(6) an email thread about this matter to review before today's meeting.

Yesterday I also emailed (b)(6) of NEWCapital LLC (the company that manages the property where the alleged incident occurred), to request that details about the matter be sent to CRCL in writing, if NEWCapital wants CRCL to review the concerns. (b)(6) agreed to send such correspondence.

I'd first called (b)(6) this Monday to let her know how CRCL learned of this matter and to request more information. She told me at the time she had to take care of some urgent matters at work, and said she would call me back later that day. After not hearing from her, I called her again yesterday to follow up and let her know how to file a complaint with CRCL. She apologized for not calling, saying that it has been a hectic week at work. Later yesterday, I sent her an email to reiterate the procedure for sending a complaint to CRCL, including links to our website and the webpage with the Complaint Form.

(b)(6)

From: Blumberg, Jeffrey
Sent: Wednesday, July 20, 2011 9:08 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: NCLR board member

(b)(6)

(b)(5) So let's discuss this one tomorrow (b)(5)

Thanks,

Jeff

From: (b)(6)
Sent: Wednesday, July 06, 2011 4:32 PM
To: Blumberg, Jeffrey
Cc: (b)(6)
Subject: RE: NCLR board member

Okay. Unless you advise otherwise, I'll hold off on forwarding this to the CRCL account and asking that it be input as a Contact in the database.

If we plan to handle this as a Complaint or otherwise look into it further, I think we would want to ask the NGO to send more information, such as the name and alien number of the individual apprehended in that enforcement action and later deported.

From: Blumberg, Jeffrey
Sent: Wednesday, July 06, 2011 4:24 PM
To: (b)(6)
Cc: [REDACTED]
Subject: FW: NCLR board member

Can we put on the list to discuss tomorrow?

From: (b)(6)@dhs.gov]
Sent: Wednesday, July 06, 2011 3:25 PM
To: (b)(6) Blumberg, Jeffrey; (b)(6)
Cc: Schlanger, Margo; Gersten, David; Kessler, Tamara; (b)(6)
Subject: Re: NCLR board member

Looping in Margo, Tamara, (b)(6) and David.

(b)(6)
Senior Policy Advisor
Section Lead, Community Engagement Section
Office for Civil Rights and Civil Liberties
Office of the Secretary
US Department of Homeland Security
202-(b)(6) (Mobile)
(b)(6)@hq.dhs.gov

Sent from my BlackBerry wireless communicator

Duplicate

SHORT FORM COMPLAINT CLOSURE RECOMMENDATION

To: Tamara Kessler, Deputy Office for Programs and Compliance
From: (b)(6) Policy Advisor, Compliance Branch
Date: October 28, 2011
Complaint: 11-10-ICE-0309

Recommendation:

☒ Close: Insufficient information, withdrawal, or lack of jurisdiction ☐ Close: Issue(s) resolved	☐ Convert into long-form complaint ☐ Other:
---	--

Complaint Synopsis:

By email dated July 1, 2011, a National Alliance of La Raza ("La Raza") Immigration Legislative Analyst from La Raza's Immigration Policy Project reported to the CRCL Community Engagement Section (CE) that during a June 2011 La Raza Board meeting at which Homeland Security Secretary Janet Napolitano was present, (b)(6) a Board Member of La Raza and the CEO of NewCapital LLC ("NewCapital") in Los Angeles, California, spoke about a U.S. Immigration and Customs Enforcement (ICE) enforcement action in which children were left behind in a building after their mother was removed from that building. The La Raza Board staff member stated that, according to (b)(6) account, ICE officers visited a building managed by NewCapital LLC at 3 or 4 a.m. on an unspecified day during Labor Day weekend in 2010, knocked on the door and entered the building (where most of the tenants are working single mothers), and removed a mother from the building without giving her an opportunity to make childcare arrangements for her children, ages 7 and 12 years old, who had been sleeping. The children were left unsupervised until other family members were contacted by tenants in the building and came to get the children. The mother has since been deported to Mexico, and the children are living with their father.

Additionally, (b)(6) stated that ICE agents had been parked outside of that building for three (unspecified) days, waiting for tenants they apparently wanted to pick up. The property manager then asked the ICE agents if they had warrants. The ICE agents responded that they did not, and "eventually departed."

The La Raza staff member who reported the allegations to CRCL did not write to us as a representative of (b)(6) or NewCapital LLC. The message included no identifying information on the deported mother or the location of the building.

Suggested closure method(s):

- | | |
|---|---|
| ☐ Close letter to complainant | ☐ Close email/memo to component |
| ☐ Phone call | ☐ High level component communication |
| ☐ Meeting (e.g. mediation, settlement) | ☒ No notification necessary |

Protected by deliberative process privileges

Explanation:

In July 2011, CRCL Officer Margo Schlanger directed (b)(5) complaint. Because the July 1, 2011 La Raza email to CRCL included no information upon which CRCL could pursue an investigation, Community Engagement contacted La Raza to seek the contact information for Ms. (b)(6) or a proxy who could provide applicable information regarding the allegations.

On July 13, 2011, Community Engagement (CE) provided the Compliance Branch ("Compliance") with the name and contact information for the Vice President of Operations of NewCapital LLC, (b)(6) (b)(6) who had been designated as a POC for information regarding the allegations. (After contacting NewCapital LLC and attempting unsuccessfully to speak with Ms. (b)(6) regarding the allegations, La Raza told CRCL that they were informed by NewCapital LLC that Ms. (b)(6) would be the POC for information regarding this matter.) Compliance advised CE that we would contact Ms. (b)(6)

CRCL called Ms. (b)(6) by phone on July 18, 2011; July 20, 2011; and August 2, 2011, to request that she provide us in writing additional information regarding the allegations. CRCL also contacted her by email on July 20, 2011; July 27, 2011; and August 31, 2011. We informed her of information we were requesting and the procedure for submitting a complaint to CRCL. In my phone conversations with Ms. (b)(6) she said that she would send us the requested information in writing. During our phone conversations, Ms. (b)(6) apologized for not following up by phone and/or not responding to my email messages, stating that she was busy with work-related matters and trainings. Despite my subsequent requests that Ms. (b)(6) provide us with the name and alien number of the person removed from the property and the address of the property, at a minimum, to enable us to start investigating the allegations, Ms. (b)(6) has not provided CRCL with any follow-up information to date.

In August 2011, after being apprised of CRCL's unsuccessful attempts to obtain supplemental information from Ms. (b)(6) Officer Schlanger requested that CRCL (b)(5) (b)(5)

The only reply to that email has been an email auto-reply stating that Ms. (b)(6) was out of the office until September 7, 2011, and that another NewCapital employee could be contacted if the recipient needed immediate assistance.

Conclusion:

CRCL has not received any follow-up information from Ms. (b)(6) regarding this matter, despite multiple requests. Therefore, we are unable to investigate the allegations raised at the La Raza board meeting attended by the Secretary.

The La Raza Immigration Policy Project had provided CRCL with the allegations informally for our information. Compliance has informed Community Engagement that we have not received a response from NewCapital LLC despite multiple requests for information. CE will relay that information to La Raza as they deem appropriate.

Protected by deliberative process privileges

Recommendation: Because NewCapital LLC has failed to respond to CRCL's requests for follow-up information, I recommend that we close this complaint with no further action.

Recommendation Accepted



Not Accepted: _____

Further Action Required:

Protected by deliberative process privileges

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-1161 11-10-ICE-0309 NEWCapital LLC

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-10-03 13:24	Create	Component Referenced	ICE	7939	(b)(6)	User Change
DhsComplaint	2011-10-03 13:24	Create	Summary	On July 1, 2011, CRCL received informal email correspondence from the National Alliance of La Raza in regard to concerns that were first reported verbally to Secretary Napolitano by the CEO of NewCapital LLC. Ms. (b)(6) Allegedly, over la	7939		User Change
DhsComplaint	2011-10-03 13:24	Create	Executive Summary	On July 1, 2011, CRCL received informal email correspondence from the National Alliance of La Raza in regard to concerns that were first reported verbally to Secretary Napolitano by the CEO of NewCapital LLC. Ms. (b)(6) Allegedly, over la	7939		User Change
DhsComplaint	2011-10-03 13:24	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7939		User Change
DhsComplaint	2011-10-03 13:24	Create	Days to Process	94	7939		User Change
DhsComplaint	2011-10-03 13:24	Create	Date to CRCL	07/01/2011	7939		User Change
DhsComplaint	2011-10-03 13:24	Create	Date to DHS	07/01/2011	7939		User Change
DhsComplaint	2011-10-03 13:24	Create	Date on Correspondence	07/01/2011	7939		User Change
DhsComplaint	2011-10-03 13:24	Create	Sender Type	NGO/Organization	7939		User Change
DhsComplaint	2011-10-03 13:24	Create	Method of Receipt	Email	7939		User Change
DhsComplaint	2011-10-03 13:24	Create	Entry Date	10/03/2011	7939	(b)(6)	User Change
DhsComplaintAction	2013-08-11	Update	Reporting	In July 2011, an NGO staff member reported to CRCL that during a June 2011 meeting at which Homeland Security Secretary Janet Napolitano was present, a	106321		User

	15:08		Summary	Board Member of the NGO and the CEO of a firm in Los Angeles, California, spoke about an ICE enforcement		(b)(6)	Change
DhsComplaintAction	2011-10-28 14:31	Create	Internal Summary	By email dated July 1, 2011, a National Alliance of La Raza ("La Raza") Immigration Legislative Analyst from La Raza's Immigration Policy Project reported to the CRCL Community Engagement Section (CE) that during a June 2011 La Raza Board meeting at which	106321		User Change
DhsComplaintAction	2011-10-28 14:31	Create	Action Date	10/28/2011	106321		User Change
DhsComplaintAction	2011-10-28 14:31	Create	Action	Closed - Short Form/No Further Action	106321		User Change
DhsComplaintAction	2011-10-28 14:31	Create	Reporting Summary	In July 2011, a National Alliance of La Raza ("La Raza") Immigration Legislative Analyst from La Raza's Immigration Policy Project reported to CRCL that during a June 2011 La Raza Board meeting at which Homeland Security Secretary Janet Napolitano was pre	106321		User Change
DhsComplaintAction	2011-10-28 14:31	Create	Document	Short Form 11-10-ICE-0309_Signed 10-28-11.pdf	106321		User Change
DhsComplaintAction	2011-10-28 13:26	Create	Action Date	10/07/2011	106320		User Change
DhsComplaintAction	2011-10-28 13:26	Create	Action	Short Form	106320		User Change
DhsComplaintAction	2011-10-06 12:23	Create	Action	Back from Officer	106168		User Change
DhsComplaintAction	2011-10-06 12:23	Create	Comments	Short Form assign to (b)(6)	106168		User Change
DhsComplaintAction	2011-10-06 12:23	Create	Primary Assignment	(b)(6)	106168		User Change
DhsComplaintAction	2011-10-06 12:23	Create	Action Date	10/06/2011	106168		User Change
DhsComplaintAction	2011-10-06 12:22	Create	Action	Recommendation Review	106167		User Change
DhsComplaintAction	2011-10-06 12:22	Create	Comments	Short Form assign to (b)(6)	106167		User Change
DhsComplaintAction	2011-10-06	Create	Action Date	10/06/2011	106167		User

	12:22					(b)(6)	Change
DhsComplaintAction	2011-10-04 11:37	Create	Action	Awaiting Recommendation	106114		User Change
DhsComplaintAction	2011-10-04 11:37	Create	Comments	On September 27, 2011, Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it be handled as a short form Complaint assigned to (b)(6)	106114		User Change
DhsComplaintAction	2011-10-04 11:37	Create	Action Date	10/04/2011	106114		User Change
DhsComplaintAction	2011-10-04 11:36	Create	Action	IG Declines/Back from IG	106113		User Change
DhsComplaintAction	2011-10-04 11:36	Create	Action Date	10/04/2011	106113		User Change
DhsComplaintAction	2011-10-04 11:36	Create	Document	11-10-ICE-0309 (OIG Response 10.4.2011).pdf	106113		User Change
DhsComplaintAction	2011-10-03 13:31	Create	Action	Sent to IG	106099		User Change
DhsComplaintAction	2011-10-03 13:31	Create	Action Date	10/03/2011	106099		User Change
DhsComplaintAction	2011-10-03 13:30	Create	Action	Open a Complaint	106098		User Change
DhsComplaintAction	2011-10-03 13:30	Create	Comments	On September 27, 2011, Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it be handled as a short form Complaint assigned to (b)(6)	106098		User Change
DhsComplaintAction	2011-10-03 13:30	Create	Action Date	09/27/2011	106098		User Change
DhsComplaintDocument	2011-10-03 13:26	Create	Document 1	7 1 2011 NewCapital LLC_CRCL email chain.pdf	85212		User Change
DhsComplaintDocument	2011-10-03 13:26	Create	Foreign Language	No	85212		User Change
DhsComplaintDocument	2011-10-03 13:26	Create	Document Type	Incoming Letter	85212		User Change
DhsComplaintDocument	2011-10-03 13:26	Create	Dateentered	10/03/2011	85212		User Change
DhsComplaintDocument	2011-10-03 13:26	Create	Document 2	7 1 2011 NewCapital LLC_NCLR board member.pdf	85212		User Change

DhsComplaintDocument	2011-10-27 14:21	Update	Document 2		85409	(b)(6)	User Change
DhsComplaintDocument	2011-10-27 14:17	Create	Document 1	7 21 2011 11-10-ICE-0309_CRCL email thread.pdf	85409		User Change
DhsComplaintDocument	2011-10-27 14:17	Create	Foreign Language	No	85409		User Change
DhsComplaintDocument	2011-10-27 14:17	Create	Document 2	7 21 2011 11-10-ICE-0309_CRCL email thread re NewCapital LLC Complaint.pdf	85409		User Change
DhsComplaintDocument	2011-10-27 14:17	Create	Dateentered	10/27/2011	85409		User Change
DhsComplaintDocument	2011-10-27 14:17	Create	Comments	Internal CRCL email threads re NewCapital LLC complaint (July 2011 and August 2011)	85409		User Change
DhsComplaintDocument	2011-10-27 14:17	Create	Document Type	Miscellaneous Material/Other	85409		User Change
DhsComplaintIssue	2011-10-28 16:44	Update	Comments	No specific date given or location provided.	13204		User Change
DhsComplaintIssue	2011-10-28 16:44	Update	Incident Location Type	Residence	13204		User Change
DhsComplaintIssue	2011-10-28 16:44	Update	State	California - CA	13204		User Change
DhsComplaintIssue	2011-10-28 16:44	Update	Incident Location	Los Angeles Area	13204		User Change
DhsComplaintIssue	2011-10-28 16:43	Create	Comments	No specific date given	13204		User Change
DhsComplaintIssue	2011-10-28 16:43	Create	Redirect to Subject	No	13204		User Change
DhsComplaintIssue	2011-10-28 16:43	Create	Ongoing	No	13204		User Change
DhsComplaintIssue	2011-10-28 16:43	Create	Primary Issue	Yes	13204		User Change
DhsComplaintIssue	2011-10-28 16:43	Create	Situation	DHS law enforcement activity	13204		User Change
DhsComplaintIssue	2011-10-28 16:43	Create	(b)(5)	(b)(5)	13204		User Change
DhsComplaintIssue	2011-10-28 16:43	Create	Incident Date	09/01/2010	13204		User Change
DhsComplaintPartiesInvolved	2011-10-03 14:04	Create	Last Name	(b)(6)	22311		User Change
	2011-						

DhsComplaintPartiesInvolved	10-03 14:04	Create	Comments	CEO of NEWCapital LLC	22311	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:04	Create	Contact Type	Source	22311		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:04	Create	First Name	(b)(6)	22311		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:03	Create	Phone	213 (b)(6)	22310		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:03	Create	Last Name	(b)(6)	22310		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:03	Create	Email	(b)(6)@newcapital- llc.com	22310		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:03	Create	Comments	VP of Operations at NEWCapital LLC	22310		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:03	Create	Contact Type	Source	22310		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:03	Create	First Name	(b)(6)	22310		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:01	Create	Last Name	NEWCapital LLC	22309		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:01	Create	Contact Type	Sender	22309		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:00	Create	Phone	202 (b)(6)	22308		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:00	Create	Last Name	The National Alliance of La Raza ("La Raza")	22308		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:00	Create	Email	(b)(6)@nclr.org	22308		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:00	Create	Contact Type	Source	22308		User Change

From: (b)(6)
To:
Cc:
Subject: RE: CRCL Complaint Number 11-11-ICE-0294
Date: Tuesday, October 04, 2011 10:36:39 AM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The Office of Inspector General will investigate this matter. Please do not authorize or take any action concerning this matter without first conferring with this office. Discussion of this matter should be limited to persons having an official need-to-know. Any press inquiries regarding this matter should be directed to this office.

If you have any questions concerning this matter, you may contact (b)(6) Deputy Assistant Inspector General for Investigations-Field Operations at 202-(b)(6)

From: (b)(6)@dhs.gov]
Sent: Tuesday, September 27, 2011 12:18 PM
To: (b)(6)
Cc:
Subject: RE: CRCL Complaint Number 11-11-ICE-0294

Hello (b)(6)

Please provide me with a response on the below matter. Based on my records CRCL has not received a response yet from the OIG.

Thank you

(b)(6)
Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357-(b)(6) (phone)
(202) (b)(6) (bb)
(b)(6)@dhs.gov

From: (b)(6)
Sent: Tuesday, September 06, 2011 12:27 PM
To: (b)(6)
Cc:
Subject: CRCL Complaint Number 11-11-ICE-0294

(b)(6)

Summary of new complaint for your review:

On August 24, 2011, CRCL received email correspondence from (b)(6) of El Sol JNRC, on behalf of two men, allegedly two casually dressed ICE immigration agents approached the men while they were working on a boat, questioned them about their immigration status, then wrote on a torn piece of paper an address and time and told them to go there the following day. The address for the local Border Patrol Station, 3301 Lake Shore Dr., Riviera Beach, Florida 33404. Atty. (b)(6) states that the persons could be impersonating immigration agents or real immigration agents that abusing their authority. Allegedly, in another incident involving one of the same immigration agents who spoke Spanish and identified himself as Puerto Rican, he regularly went to the homes of immigrants in the area, dressed in black, showed a pistol, and told immigrants that he was ICE, and they needed to pay him money, or they would be arrested.

Thank you.

(b)(6)

Program Analyst
Compliance Branch
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(b)(6)

Subject: Complaint regarding ICE or Border Patrol officials, Pt St. Lucie, Florida
Attachments: margo schlanger letter.pdf

From: (b)(6)@bellsouth.net]
Sent: Friday, August 26, 2011 10:45 AM
To: Schlanger, Margo J
Cc: (b)(6)
Subject: Complaint regarding ICE or Border Patrol officials, Pt St. Lucie, Florida

Please see attached letter, regarding what appear to be either bogus "Immigration officers," or officers acting outside the scope of their authority.

Hard copy of letter with enclosure to follow by regular US mail.

(b)(6)
Volunteer Attorney
El Sol JNRC, Inc.
Fla. Bar No. (b)(6)
106 Military Trail
Jupiter, FL 33458
561 (b)(6) (El Sol)
561 (b)(6) (cell)



El Sol, Jupiter's Neighborhood Resource Center, Inc.
106 Military Trail
P.O. Box 7682
Jupiter, Florida 33458
561-745-9860
elsolnrc1@bellsouth.net
www.friendsofelsesol.org

August 26, 2011

BY US MAIL AND E-MAIL

Margo Schlanger
Officer
Office for Civil Rights and Civil Liberties
Department of Homeland Security
Washington, DC 20528

Re: Complaint

Dear Ms. Schlanger:

I met you in June, at Krome, when you met with different community groups to explain certain revisions in Secure Communities and also to talk about the function of your office. I am a volunteer lawyer and a board member working in El Sol, a day labor center in Jupiter, Florida.

In that capacity, I was consulted by one of the center's members about a very strange situation, which I want to bring to your attention, for possible investigation. He wanted to know what he should do. If you are not the appropriate person for this complaint, perhaps you can refer it to the proper office, or let me know to whom it should be referred.

In late July of this year, two young men were sent out for work from here, to assist a man with cleaning his boat. The boat was kept in a marina about 30 miles from here, in Port St. Lucie, Florida. The two men did their work, for approximately six and one-half hours. Apparently at the end of that time, two men approached first the "padron" and asked, why do you use people from El Sol, don't you know, they are all illegal? Why don't you hire Americans? According to my source, the padron explained that this was just a short term job, and that's why he hired people from El Sol, that it was easy to hire people from there just to work a day or two on a job.

The two men were dressed very casually in black shorts and blue t-shirts and wearing boat shoes. None of their clothing in any way identified them as government agents. They arrived in a black, Explorer-type vehicle, which also did not have any marks to identify it as a government vehicle. One of the agents then spoke to the workers. He identified himself as an immigration agent, and supposedly showed a badge (but did not permit them to examine it). He had short black hair, was about 75 centimetres tall, a little chubby, with brown skin, black eyes. He spoke Spanish, and identified himself as Puerto Rican.

The other seemed to be an American and did not speak. He was not fat, about 80 centimetres tall, blond hair, possibly balding. He was wearing glasses and a cap—the cap did not say anything on it. He was also wearing black shorts and a blue t-shirt with nothing written on it, and also wearing boat shoes.

The one who spoke Spanish asked the workers to show him their i.d., which they did. He showed a wallet, which appeared to have a shield in it, but he quickly closed the wallet, so they did not have a chance to examine it. He took pictures of them with a cellphone. After doing this, he wrote on a small piece of paper torn out of a spiral notebook:

(b)(6)



Riviera Beach Fl

33404

10:00 a.m.

A copy of this paper is enclosed. The purported agent told the two men they should show up at that address the following day. The address is that of Border Patrol, in our area. The men did not go there.

This seems to be a case of either people impersonating immigration agents, or, if they were actually immigration agents, of agents acting outside of the rules and regulations governing their conduct. An actual immigration agent would not simply write on a piece of torn out notebook paper the address of Border Patrol and direct the persons to turn themselves in there.

My concern about this incident is even stronger because of some incidents which happened in our area a few years ago.

In those incidents, a man who was described as speaking Spanish with a Puerto Rican accent went to the homes of immigrants in our area. He dressed in black. He carried and showed a pistol, and told the immigrants that he was with ICE, and they needed to pay him money, or they would be arrested. At that time, we made complaints to local police in the town of Jupiter and to our sheriff of Palm Beach County, but to my knowledge, the person was never found.

At this time, I do not feel comfortable giving the names of the two persons who were the victims of this operation, but if you determine it is necessary to interview them, I would be willing to discuss the possibility with the client, on appropriate assurances of protection.

Please do not hesitate to contact me, if you need additional information or if there is any additional assistance I can provide. Thank you for the work you are doing and for your assistance.

Sincerely,

/s/

(b)(6)

(b)(6)



Copy to:

(b)(6)



FIAC

IC and PBCCIR



Homeland
Security

September 6, 2011

Via Electronic Mail

(b)(6)

El Sol JNRC, Inc.

(b)(6)

@bellsouth.net

Re: Complaint No. 11-11-ICE-0294 on behalf of Anonymous

Dear Atty. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on August 24, 2011. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by this Office. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL will contact you with the anticipated course of investigation for your complaint and will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at crcl@dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, see our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to www.dhs.gov/CRCL. To learn more about the Privacy Act, go to the Federal Information Center, www.pueblo.gsa.gov.



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
REFERRED COMPLAINT CLOSURE RECOMMENDATION

To: Jeffrey Blumberg
From: (b)(6)
Date: October 24, 2012
Complaint: 11-11-ICE-0294, El Sol JNRC, Inc.

Recommendation:

☒ Close: Insufficient information, withdrawal, or lack of jurisdiction ☐ Close: Issue(s) resolved	☐ Convert into long-form complaint ☐ Other:
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Complaint Synopsis:

On September 15, 2011, CRCL received a complaint submitted via email from (b)(6) a volunteer attorney at El Sol JNRC, Inc. The complaint alleges that in July of 2011, a gentleman who had brought on day laborers from El Sol to clean a boat, was approached by two men, one of whom apparently identified himself as an ICE agent. One alleged agent spoke Spanish, asked the two laborers for identification which they provided, and wrote an address on a piece of paper. The address was from a local Border Patrol station and he told the laborers to go there the next day to turn themselves in. The complaint alleges that these ICE agents were either posing as ICE agents or acting outside of their authority.

Suggested closure method(s):

- | | |
|---|---|
| ☒ Close letter to complainant | ☒ Close email/memo to component |
| ☐ Phone call | ☐ High level component communication |
| ☐ Meeting (e.g. mediation, settlement) | ☐ No notification necessary |

Explanation:

The names of the laborers who were approached were not provided in the incoming complaint. On August 28, 2012, I contacted (b)(6) by phone to inquire about the laborers. She indicated that she did not know where they were anymore but would attempt to reach out to them and get back to CRCL. On October 10, 2012, I called her again and she informed me that she could not locate them and could provide no other information about the incident.

OIG conducted its own investigation into the incident and was also unable to communicate with the laborers. OIG conclude that it was unable to substantiate the allegations made without additional information.

Without additional information, CRCL cannot continue its investigation. Should the laborers come forward, CRCL will continue its investigation. Currently, however, CRCL recommends closure of this complaint without recommendations.

Recommendation:

Recommendation Accepted 

Not Accepted: _____

Further Action Required : _____

Protected by Attorney-Client and Deliberative Process Privileges



Homeland
Security

October 31, 2012

(b)(6)

El Sol JNRC, Inc.
106 Military Trail P.O. Box 7682
Jupiter, FL 33458

Re: Complaint No. 11-11-ICE-0294

Dear (b)(6)

This letter is in response to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on September 15, 2011 involving laborers from El Sol. Your complaint alleges that the laborers and another person were approached by two men who either posed as ICE agents or were acting outside of their authority. They gave a piece of paper to the laborers with an address written on it. The address was for the local Border Patrol station and your complaint alleges that the laborers were told to turn themselves in there the next day.

Under 6 U.S.C. § 345 and 42 U.S.C § 2000ee-1, CRCL has the responsibility to review and assess complaints against DHS employees and officials concerning violations of civil rights and civil liberties.

Accordingly, CRCL attempted to conduct an investigation into the allegations but you confirmed that you were unable to locate the laborers. Thus, the allegations could not reasonably be investigated and CRCL has recommended closure of this complaint. Should the laborers come forward and provide CRCL with more information, we will re-open this investigation.

This concludes our review of this complaint. If you have any additional information or allegations do not hesitate to provide the information.

Protected by Attorney-Client and Deliberative Process Privileges

We appreciate you bringing these matters to our attention; inquiries like this help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Protected by Attorney-Client and Deliberative Process Privileges

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-1112 11-11-ICE-0294 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-08-31 12:34	Create	Component Referenced	ICE	7888	(b)(6)	User Change
DhsComplaint	2011-08-31 12:34	Create	Summary	On August 24, 2011, CRCL received email correspondence from (b)(6) of El Sol JNRC, on behalf of two men, allegedly two casually dressed ICE immigration agents approached the men while they were working on a boat, questioned them about their immigrati	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Executive Summary	On August 24, 2011, CRCL received email correspondence from (b)(6) of El Sol JNRC, on behalf of two men, alleging that in late July of 2011 in Port St. Lucie, Florida, allegedly two casually dressed ICE immigration agents approached the men while the	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Days to Process	7	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Date to CRCL	08/24/2011	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Date to DHS	08/24/2011	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Date on Correspondence	08/24/2011	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Sender Type	NGO/Organization	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Method of Receipt	Email	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Entry Date	08/31/2011	7888		User Change

DhsComplaint	2011-10-31 09:22	Update	Summary	On August 26, 2011, CRCL received email correspondence from (b)(6) of El Sol JNRC, on behalf of two men, allegedly two casually dressed ICE immigration agents approached the men while they were working on a boat, questioned them about their immigrati	7888	(b)(6)	User Change
DhsComplaint	2011-10-31 09:22	Update	Date to DHS	08/26/2011	7888		User Change
DhsComplaint	2011-10-31 09:22	Update	Date on Correspondence	08/26/2011	7888		User Change
DhsComplaint	2011-10-31 09:22	Update	Days to Process	66	7888		User Change
DhsComplaint	2011-10-31 09:22	Update	Date to CRCL	08/26/2011	7888		User Change
DhsComplaint	2011-10-31 09:22	Update	Executive Summary	On August 26, 2011, CRCL received email correspondence from (b)(6) of El Sol JNRC, on behalf of two men, alleging that in late July of 2011 in Port St. Lucie, Florida, allegedly two casually dressed ICE immigration agents approached the men while the	7888		User Change
DhsComplaintAction	2012-07-24 10:01	Update	Primary Assignment	(b)(6)	107700		User Change
DhsComplaintAction	2012-06-13 10:56	Create	Primary Assignment	(b)(6)	107700		User Change
DhsComplaintAction	2012-06-13 10:56	Create	Secondary Assignment	(b)(6)	107700		User Change
DhsComplaintAction	2012-06-13 10:56	Create	Comments	06/13/2012 - assigned to (b)(6)	107700		User Change
DhsComplaintAction	2012-06-13 10:56	Create	Action Date	10/03/2011	107700		User Change
DhsComplaintAction	2012-06-13 10:56	Create	Action	Back from Officer	107700		User Change
DhsComplaintAction	2013-04-03 11:13	Update	Document	Final SF Close Memo 11-11-ICE-0294.pdf	109803		User Change
				CRCL received a complaint in August, 2011 alleging			

DhsComplaintAction	2013-04-03 11:13	Update	Reporting Summary	unidentified persons were posing as ICE agents, or that ICE agents were acting outside of their authority. (b)(5) CRCL opened the complaint	109803	(b)(6)	User Change
DhsComplaintAction	2013-04-03 11:12	Update	Action	Closed - IG	109803		User Change
DhsComplaintAction	2013-04-03 11:12	Update	Action Date	10/24/2012	109803		User Change
DhsComplaintAction	2013-04-03 11:12	Update	Internal Summary	(b)(5) CRCL was unable to contact them as well and closed the complaint.	109803		User Change
DhsComplaintAction	2013-04-03 11:05	Update	Action Date	10/24/2011	110017		User Change
DhsComplaintAction	2013-04-03 11:03	Create	Action	IG Retained in CRCL	110017		User Change
DhsComplaintAction	2013-04-03 11:03	Create	Action Date	04/03/2013	110017		User Change
DhsComplaintAction	2013-03-20 15:47	Create	Action Date	03/20/2013	109803		User Change
DhsComplaintAction	2013-03-20 15:47	Create	Action	IG Return To CRCL For Review	109803		User Change
DhsComplaintAction	2011-09-06 12:34	Create	Action Date	09/06/2011	105933		User Change
DhsComplaintAction	2011-09-06 12:34	Create	Document	8.24.2011 11-11-ICE-0294 (email).pdf	105933		User Change
DhsComplaintAction	2011-09-06 12:34	Create	Action	Acknowledgement Letter Sent	105933		User Change
DhsComplaintAction	2011-09-06 12:20	Create	Action Date	09/06/2011	105932		User Change
DhsComplaintAction	2011-09-06 12:20	Create	Action	Sent to IG	105932		User Change
	2011-						

DhsComplaintAction	09-06 12:17	Create	Action Date	08/31/2011	105931	(b)(6)	User Change
DhsComplaintAction	2011- 09-06 12:17	Create	Action	Open a Complaint	105931		User Change
DhsComplaintAction	2011- 09-06 12:17	Create	Comments	On August 31, 2011, Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it be handled as a short form Complaint assigned to (b)(6)	105931		User Change
DhsComplaintAction	2011- 10-25 09:58	Create	Action Date	10/04/2011	106259		User Change
DhsComplaintAction	2011- 10-25 09:58	Create	Document	11-11-ICE-0294 (OIG Response 10.4.2011)_IG Keep.pdf	106259		User Change
DhsComplaintAction	2011- 10-25 09:58	Create	Action	IG Keeps	106259		User Change
DhsComplaintDocument	2011- 09-16 11:20	Create	Document Type	Incoming Letter	85036		User Change
DhsComplaintDocument	2011- 09-16 11:20	Create	Document 1	9 15 2011 (b)(6) (11-11-ICE-0294).pdf	85036		User Change
DhsComplaintDocument	2011- 09-16 11:20	Create	Dateentered	09/16/2011	85036		User Change
DhsComplaintDocument	2011- 09-16 11:20	Create	Foreign Language	No	85036		User Change
DhsComplaintDocument	2011- 09-16 11:20	Create	Comments	Copy of Email - CRCL received by mail Sept 25 2011	85036		User Change
DhsComplaintDocument	2012- 10-31 11:46	Create	Document 1	SF Close Letter 11-11-ICE-0294.pdf	88428		User Change
DhsComplaintDocument	2012- 10-31 11:46	Create	Dateentered	10/31/2012	88428		User Change
DhsComplaintDocument	2012- 10-31 11:46	Create	Foreign Language	No	88428		User Change
DhsComplaintDocument	2012- 10-31	Create	Document Type	Closed Letter	88428		User

	11:46								(b)(6)		Change
DhsComplaintDocument	2012-10-31 11:45	Create	Document 1	Final SF Close Memo 11-11-ICE-0294.pdf						88427	User Change
DhsComplaintDocument	2012-10-31 11:45	Create	Dateentered	10/31/2012						88427	User Change
DhsComplaintDocument	2012-10-31 11:45	Create	Foreign Language	No						88427	User Change
DhsComplaintDocument	2012-10-31 11:45	Create	Document Type	Short Form Doc						88427	User Change
DhsComplaintDocument	2011-08-31 12:55	Create	Document Type	Incoming Letter						84986	User Change
DhsComplaintDocument	2011-08-31 12:55	Create	Dateentered	08/31/2011						84986	User Change
DhsComplaintDocument	2011-08-31 12:55	Create	Foreign Language	No						84986	User Change
DhsComplaintDocument	2011-08-31 12:55	Create	Document 1	8 26 2011 (b)(6).pdf						84986	User Change
DhsComplaintIssue	2012-05-01 11:17	Create	Primary Issue	Yes						13486	User Change
DhsComplaintIssue	2012-05-01 11:17	Create	(b)(5)	(b)(5)						13486	User Change
DhsComplaintIssue	2012-05-01 11:17	Create	Redirect to Subject	No						13486	User Change
DhsComplaintIssue	2012-05-01 11:17	Create	Situation	DHS law enforcement activity						13486	User Change
DhsComplaintIssue	2012-05-01 11:17	Create	Ongoing	No						13486	User Change
DhsComplaintIssue	2012-05-01 11:17	Create	Incident Date	08/26/2011						13486	User Change
	2011-										

DhsComplaintPartiesInvolved	08-31 13:03	Create	Address Line 1	106 Military Trail		22229	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 08-31 13:03	Create	Last Name	(b)(6)		22229		User Change
DhsComplaintPartiesInvolved	2011- 08-31 13:03	Create	First Name	(b)(6)		22229		User Change
DhsComplaintPartiesInvolved	2011- 08-31 13:03	Create	Prefix	Atty		22229		User Change
DhsComplaintPartiesInvolved	2011- 08-31 13:03	Create	Other Organization	El Sol JNRC, Inc.		22229		User Change
DhsComplaintPartiesInvolved	2011- 08-31 13:03	Create	Alt Phone	561-(b)(6)		22229		User Change
DhsComplaintPartiesInvolved	2011- 08-31 13:03	Create	Organization	Other		22229		User Change
DhsComplaintPartiesInvolved	2011- 08-31 13:03	Create	Phone	561-(b)(6)		22229		User Change
DhsComplaintPartiesInvolved	2011- 08-31 13:03	Create	Email	(b)(6)@bellsouth.net		22229		User Change
DhsComplaintPartiesInvolved	2011- 08-31 13:03	Create	Zip Code	33458		22229		User Change
DhsComplaintPartiesInvolved	2011- 08-31 13:03	Create	State	Florida - FL		22229		User Change
DhsComplaintPartiesInvolved	2011- 08-31 13:03	Create	City	Jupiter		22229		User Change
DhsComplaintPartiesInvolved	2011- 08-31 13:03	Create	Contact Type	Sender		22229		User Change
DhsComplaintPartiesInvolved	2011- 08-31 12:56	Create	Last Name	Anonymous		22228		User Change
DhsComplaintPartiesInvolved	2011- 08-31 12:56	Create	Contact Type	On Behalf Of		22228		User Change

To: File
From: (b)(6)
Re: Shelbyville, TN – retaliatory raid allegation – phone conversation with TIRRC
Date: October 13, 2011

This memo serves as a summary of a phone conversation had between (b)(6) (CRCL) and (b)(6) TIRRC).

Who were those arrested and taken into custody:

“Justice for our neighbors” does free consultations for persons facing deportation. JFON is aware of the numbers and who they are. (b)(6) staff attorney there, observed the people detained in the ICE holding facility and have interviewed the people there.

How many ICE agents were seen, at which locations:

For the most part, compared to other operations, there was a lot of reserve. For example one ICE officer wanted to make a collateral arrest and another officer apparently reminded him they were being closely watched. The impression of retaliation beyond the arrests made was just the overwhelming presence that day.

They were in multiple locations and public places: the mattress factory where many people work, the Lowes, the Walmart, and they circled the grocery stores of organizers of the meeting.

There were at least 5 agents. (b)(6),(b)(7)(C) was working and he never works on weekends. He was calling one of our members, (b)(6) (a member from United Latinos). That member was one of the organizers of the community meeting. (b)(6),(b)(7)(C) had gone to that individual’s house, knocked on the door, talked to his family, and someone gave (b)(6),(b)(7)(C) (b)(6) number. (b)(6),(b)(7)(C) contacted (b)(6) and told him to come turn himself in immediately.

(b)(6) a community advocate, was following around the ICE vans and was on the phone with (b)(6),(b)(7)(C) on Saturday, Sunday, Monday, and Tuesday. (b)(6) was trying to provide paperwork requesting release of one of the persons arrested.

(b)(6) are two people to speak to about ICE’s presence:

- (b)(6)
- (b)(6)

(b)(6) and Justice for Our Neighbors were contacting ICE “real time” during the enforcement action. TIRRC, however, has not gone through a lot of trouble to make a connection with the Fugitive Operations team in Tennessee.

Was local law enforcement involved:

On 10/12/11, TIRRC had a constructive meeting with the Police Chief in Shelbyville. He said he did not know anything about the ICE raid until it was happening. He stated he had never heard

about it before and there was no collaboration with him. In public statements that have been reported, the Sheriff said he did not have anything to do with the ICE Action.

They have another meeting with the Sheriff on the 27th.

The Community Meeting: how was it planned, advertised:

TIRRC had been in conversation with the Rights Working Group for months on putting together the report, but decided to arrange the community meeting about one month prior. Community members had been working together with (b)(6) SOCM, two legal aid attorneys, and TIRRC to document all the cases of violations of 48 hour rule, interpretation problems, and various other issues since January of this year. People wanted to take it to the next level given that requests for meetings with the Sheriff had gone unheard. They wanted to have an event, a meeting, to take all of the cases and put them into a report to start the process of going public.

A letter was sent to (b)(6),(b)(7)(C) Sheriff of Bedford County, in March of this year requesting a meeting about immigration enforcement as the Sheriff's office collaborates with ICE. They left phone messages, faxes, sent regular mail, email, and went personally to the sheriff's office. There was never an answer to the requests.

The reason there was no press at the community meeting is that the community wanted the meeting to be the first step on addressing the issues around immigration enforcement. When the raid occurred on Saturday, the leaders then decided to hold a press conference about it.

A group of about ten leaders from United Latinos are well known as the leaders for that community.

Advertising:

1000 fliers were printed and given out several weeks before the event, in churches, on the street, by word of mouth, people started circulating it pretty broadly. There were discussions amongst the leaders to advertise on Spanish radio.

Other persons made more of their own copies. No one was aware whether ICE was there, though we did see several people whom we did not know. They were going in and out of the back of the room. We could not pick them out as members of the Fugitive Operations team or if they were with local police. The group, however, has been meeting in that same room for some time. It is their regular meeting place.

They took meeting notes that were emailed around and paper notes that were printed out and emailed. There were no uniformed officers that attended the meeting, but there were people there that no one recognized.

(b)(6) can give an exhaustive list of United Latinos members: 615 (b)(6)
(b)(6) from Justice for Our Neighbors: 615 (b)(6)

From: (b)(6)
To: (b)(6)
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 11-12-ICE-0303
Date: Wednesday, September 28, 2011 2:44:36 PM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@dhs.gov]
Sent: Wednesday, September 28, 2011 10:45 AM
To: (b)(6)
Cc: (b)(6)
Subject: CRCL Complaint Number 11-12-ICE-0303

(b)(6)

Summary of new complaint for your review:

On September 20, 2011, CRCL received email correspondence from the Rights Working Group and the Tennessee Immigrant and Refugee Rights Coalition, alleging that on September 17, 2011 in Shelbyville, Tennessee, ICE Homeland Security Investigations (HSI) conducted a retaliatory raid targeting Latino community members, including a number who spoke out at the September 12, 2011 racial profiling hearing with various law enforcement entities, including: the Shelbyville Police Department, Bedford County Sheriff's Department, and Tennessee State Troopers.

Thank you.

(b)(6)

Program Analyst
Compliance Branch
Office for Civil Rights & Civil Liberties
Department of Homeland Security

December 9, 2011

MEMORANDUM FOR: File

FROM: (b)(6)
Policy Advisor

SUBJECT: Shelbyville, TN, Alleged Retaliation

This memo summarizes information obtained during a phone call with Staff Attorney with Justice for Our Neighbors in Tennessee.

Ms. (b)(6) provided the following:

Ms. (b)(6) spoke four men who had been arrested in Shelbyville during the operation on September 17, 2011. All of them were Latino. They were transferred to Nashville and she spoke with them at a detention center there.

The four men she spoke with said they were all picked up at their homes by ICE. While they had heard that ICE and local law enforcement had worked together in Shelbyville, they only saw ICE. For those four men, there were arrest warrants for each of them. One of the originally thought that ICE had not been let into his home, but he later found out his roommate had allowed the ICE agents in.

Ms. (b)(6) stated that each of the men she had spoken with had some sort of criminal background. She does not know how many people were picked up that day.

There was a communication issue in the detention center. When they were in detention, some of them did not understand what was being communicated to them. One man thought he had been offered voluntary departure, but Ms. (b)(6) spoke with one of the ICE agents who said that man would never have been offered that. She does not know if interpreters were provided, but it was clear they did not understand all that was being said to them. Additionally, one man said that when they were signing documents given to them by ICE, they asked what the documents were, but received no answers and did not understand what they were signing.

None of the men were at the community meeting that had taken place a few days earlier, though they were aware of instances where ICE and local police working together. When asked if she thought that ICE action was retaliatory, Ms. (b)(6) did not know if that was the case.

One of the individuals she spoke with had originally considered filing a complaint against ICE. After the leader of Latinos United was arrested a few weeks later, he chose not to do so and apparently the community in Shelbyville is reluctant to come forward now.

Ms. (b)(6) recommended that I speak with community advocate, (b)(6)

(b)(6)

From: (b)(6)@dhs.gov]
Sent: Wednesday, September 21, 2011 11:54 AM
To: CRCL
Subject: FW: Letter and report from RWG and TIRRC
Attachments: RWG TIRRC Letter Sept 20 Schlanger.pdf; The Forgotten Constitution final.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please log this in as a new Contact. It involves a raid in Shelbyville, TN on September 17, 2011, conducted by ICE Homeland Security Investigations (HSI).

Thank you,

(b)(6)

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

From: Blumberg, Jeffrey
Sent: Wednesday, September 21, 2011 11:29 AM
To: (b)(6)
Cc: (b)(6)
Subject: FW: Letter and report from RWG and TIRRC

Let's discuss at the next case opening.

Jeff

From: (b)(6)
Sent: Wednesday, September 21, 2011 11:19 AM
To: Blumberg, Jeffrey; (b)(6)
Subject: FW: Letter and report from RWG and TIRRC

FYI – don't know if Margo sent this to you before.

(b)(6)

Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Phone: (202) 357-(b)(6)
Office Cell: (202) (b)(6)
(b)(6)@dhs.gov



Please consider the environment before printing this e-mail message.

From: (b)(6)
Sent: Wednesday, September 21, 2011 7:01 AM
To: (b)(6)
Cc: Schlanger, Margo; (b)(6)
Subject: Fw: Letter and report from RWG and TIRRC

Looping in the other (b)(6)

From: Schlanger, Margo [mailto:(b)(6)@dhs.gov]
Sent: Tuesday, September 20, 2011 10:12 PM
To: (b)(6)
Cc: [REDACTED]
Subject: FW: Letter and report from RWG and TIRRC

FYI.

Margo Schlanger
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)
(b)(6)@dhs.gov
<http://www.dhs.gov/crci>



**Homeland
Security**

From: (b)(6) [mailto:(b)(6)@rightsworkinggroup.org]
Sent: Tuesday, September 20, 2011 9:13 PM
To: (b)(6)@dhs.gov
Cc: Morton, John; Mead, Gary; ivan.fong@dhs.gov; Moynihan, Timothy; yasmeen@pitts.dhs.gov; john.sandweg@hq.dhs.gov; RYAN, KELLY; Sameera Hafiz; Jumana Musa; (b)(6) (b)(6)@tnimmigrant.org
Subject: Letter and report from RWG and TIRRC

Apologies for not attaching the report to the previous message.

September 20, 2011

Dear Margo,

Please find attached a letter from the Rights Working Group and the Tennessee Immigrant and Refugee Rights Coalition. We look forward to meeting with some of your staff tomorrow.



RIGHTS working group
1120 Connecticut Avenue NW, Suite 1100
Washington, DC 20036

T: 202.591 (b)(6)

F: 202 (b)(6)

Twitter: [@RWG Margaret](#) and [@RightsWorking](#)

Join RWG today! www.rightsworkinggroup.org

Sign up for [RWG Alerts and Newsletter](#)

Host an event! Reflecting on Our Loss and Reclaiming Our Rights *National Week of Action* September 11-17, 2011



September 20, 2011

Ms. Margo Schlanger
Officer for Civil Rights and Civil Liberties
Office for Civil Rights and Civil Liberties
United States Department of Homeland Security
151 M Street NE
Washington, DC 20002

Dear Ms. Schlanger,

The Rights Working Group (RWG) contacted you in August to invite you to a racial profiling hearing in Shelbyville, Tennessee on September 12, 2011. This invitation was on behalf of a RWG member, the Tennessee Immigrant and Refugee Rights Coalition (TIRRC). TIRRC, along with local partners, organized the hearing to highlight the concerns of Latino residents of Shelbyville who are regularly stopped by various law enforcement entities: the Shelbyville Police Department, Bedford County Sheriff's Department, and Tennessee State Troopers, who are all either formally or informally working closely with Immigration and Customs Enforcement (ICE). Although you were unable to attend the hearing, (b)(6) attended to represent your office. (b)(6) listened to testimony at the hearing and after the formal event spoke with individuals about their personal experiences. During the hearing, community members shared disturbing stories of pretextual traffic stops and described the near-police state to which Latinos in Shelbyville are subject. We are attaching a new report from TIRRC, "The Forgotten Constitution," that further documents these experiences.

On September 17th, five days after this forum, ICE conducted a raid upon Shelbyville targeting Latino community members, including a number who spoke out at the September 12th hearing. The raids appear to be retaliatory in nature – an effort to intimidate community members who speak out against police and ICE abuses. Moreover, these actions have spread fear throughout the Latino community, which feels targeted and increasingly under siege by law enforcement – whether it be ICE, state or local police. The result has been a severe chilling of speech in the community and increased fear of government agents. The Office for Civil Rights and Civil Liberties was in attendance at this forum for the purpose of listening to community concerns about civil rights abuses by state and local police and ICE. Days later, this same community was targeted by an immigration enforcement action leading to the chilling of free speech and further civil rights abuses.

We are requesting that your office begin an immediate investigation of this incident. We ask that your investigation examine ICE's actions and the impact of the raids on the civil rights of Shelbyville residents. Your immediate and effective response is paramount to reassuring communities that they can continue to provide information to government agencies such as OCRCL in order to report civil rights violations by ICE agents. Without swift and deliberate

action by you, the raid will have a broader chilling effect and send the message that your department is unwilling or unable to protect the free speech rights of those who have legitimate complaints about civil rights abuses by ICE.

We thank you and members of your office for meeting with us tomorrow, September 21st, and we look forward to discussing this matter further then.

Sincerely yours,

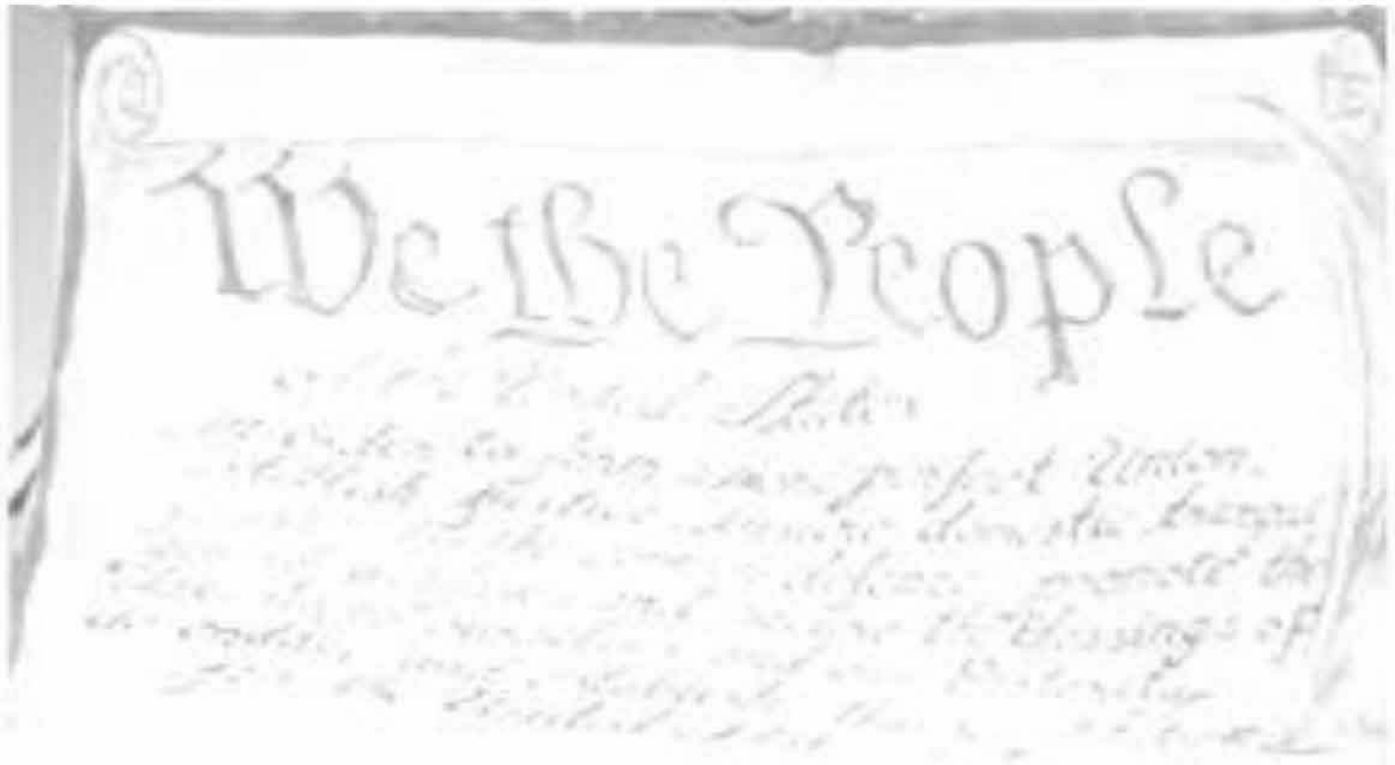
(b)(6)

Executive Director
Rights Working Group

(b)(6)

Executive Director
TIRRC

Cc: Kelly Ryan, Acting Deputy Assistant Secretary
Ivan Fong, General Counsel
Gary Mead, Executive Associate Director, Enforcement and Removal Operations
John Morton, Director of Immigration and Customs Enforcement
Timothy Moynihan, Assistant Director for the Office of Professional Responsibility
Yasmeen Pitts, ICE Public Engagement Officer
John Sandweg, Counselor to the Secretary



The Forgotten Constitution

**Racial Profiling and Immigration Enforcement in
Bedford County, Tennessee**

***A report prepared for the September 12, 2011
Racial Profiling Hearing in Shelbyville, TN***

Principal Authors: Sarah White and Salmun Kazerounian

Produced by the Tennessee Immigrant and Refugee Rights Coalition

The Forgotten Constitution

Racial Profiling and Immigration Enforcement in Bedford County, Tennessee

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- 4. Navigating the Court System**
- 5. Encounters with Immigration and Customs Enforcement (ICE)**
- 6. Efforts Undertaken by the Community Thus Far**

The Forgotten Constitution

Racial Profiling and Immigration Enforcement in Bedford County, Tennessee

Acknowledgements

This report was prepared by the following individuals and organizations: Latinos Unidos de Shelbyville (United Latinos of Shelbyville), Sarah White and Salmun Kazerounian, the Tennessee Immigrant and Refugee Rights Coalition, and Bill Geissler, longtime Shelbyville resident, stalwart supporter of the Latino community and member of SOCM (Statewide Organization for Community EmpowerMent). A special thanks goes to Sarah White, who worked tirelessly to compile the findings of advocates and community members. Also to be thanked are the panelists who have made the commitment to bear witness to the courage and suffering of Shelbyville's most vulnerable residents. Finally, a special acknowledgement goes to the courageous residents of Shelbyville, Tennessee, without whom this report would have been impossible.

The Forgotten Constitution

Racial Profiling and Immigration Enforcement in Bedford County, Tennessee

Panelists for the September 12, 2011 Racial Profiling Hearing in Shelbyville, TN

We extend a special appreciation to the members of the panel who were present to hear the testimony of Shelbyville community members. Panel members include:

Pastor David Carrera, Beth Sar Shalom Ministries

Associate Pastor Lindsey Wade, First Presbyterian Church, Shelbyville, TN

Pastor Kent Lewis, Christ Lutheran Church, Shelbyville, TN

Noel Johnson, Board President, SOCM

Beverly Watts, Executive Director, TN Human Rights Commission

Sameera Hafiz, Policy Director, Rights Working Group

The Forgotten Constitution

Racial Profiling and Immigration Enforcement in Bedford County, Tennessee

Monday, September 12, 2011

Executive Summary

Bedford County is exceptional for its large and vibrant immigrant and refugee communities, who live and work in the rolling hills of this rural county about an hour south of Nashville, Tennessee. Somali and Burmese refugees, Egyptian immigrants, and Latino immigrants are the backbone of local industry, working at poultry plants and on the walking horse farms that make Shelbyville – Bedford's county seat – famous. Many immigrants are small business owners, and many more have chosen to make their homes and raise their children here.

“To be an immigrant or refugee in Bedford County is to be treated with suspicion or outright hostility by one’s own government, whose offices still exhibit vestiges of the overt racial apartheid of years past.”

Despite immigrants’ essential economic contributions to Bedford County, they face hostility and discrimination from all aspects of the criminal justice system, which works in close coordination with federal immigration enforcement authorities. Arrests of Latinos have intensified since Tennessee law changed in January 2011 to require jailers to ask arrestees their citizenship and report this information to ICE. Pervasive anti-immigrant sentiment coupled with misinterpretation of the scope of this law has resulted in an ongoing immigration inquisition by local law enforcement that has caused a steep increase in detention and removal by ICE. Suspected immigrants are subjected to racial profiling and increased police surveillance. They are arrested and detained in county jail for minor traffic violations--often unlawfully--in order to facilitate their deportation. Immigrants and refugees are unable to meaningfully access government services and the court system, which means many of them are unable to vindicate their rights. Immigrants are mistreated by ICE officials, who have collaborated with locals engaged in explicitly racially discriminatory practices to entrap, interrogate, and arrest immigrants who clearly do not fit immigration enforcement priorities. Many immigrant victims of crime no longer trust law enforcement to protect them, and families have been torn apart by these arbitrary arrests. Families with children who have lived in the U.S. for their whole lives have had no choice but to uproot and relocate out of the country after the sudden removal of a caretaker or breadwinner. Law enforcement practices and the fear they have stirred in the community have thus resulted in a mass exodus of immigrants from Bedford County. To be an immigrant or refugee in Bedford County is to be treated with suspicion or outright hostility by one’s own government, whose offices still exhibit vestiges of the overt racial apartheid of years past.

This report briefly outlines the abuse and discrimination immigrants in Bedford County face in each stage of the criminal justice system. Part 1 describes initial encounters with law enforcement officials. Part 2 discusses booking and detention procedures at the Bedford County Jail. Part 3 addresses problems experienced by immigrants attempting to navigate the Bedford County court system. Part 4 outlines the experience of immigrants who are taken into custody by Immigration and Customs Enforcement (ICE). Part 5 sketches efforts to address these problems through grassroots community organizing and advocacy.

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Racial Profiling and Immigration Enforcement in Bedford County, Tennessee

Interaction with Law Enforcement

Immigrants are targeted at disproportionate rates by officers of Bedford County law enforcement agencies, particularly the Shelbyville Police Department, as a pretext for making arrests that will enable jailers to contact ICE. These local officials regularly support and collaborate with a State Trooper employed by the Tennessee Highway Patrol. Law enforcement officers have routinely set up roadblocks and extra patrols around Latino groceries and markets. For instance, an owner of a local tortilleria reports that an officer with the Shelbyville Police Department, in conjunction with the State Trooper, set up a roadblock in front of his store, just outside of a business complex frequented by Latinos. The police officer stopped vehicles, most driven by Latinos, to check for drivers' licenses and IDs, even though they were obeying traffic laws.

Police who patrol Bedford County selectively enforce traffic laws and make pretextual traffic stops of Latino drivers in order to check for driver licenses and verify citizenship. Latino victims of police harassment report that they have been stopped by police allegedly to verify they are wearing a seatbelt that is visibly fastened, for driving less than 5 mph over the speed limit, or for no reason at all. Latinos who come into contact with law enforcement, particularly during traffic stops, are more likely than non-Latinos to be subject to arrest and detention for minor violations such as driving without a license. Arresting an immigrant driver ensures that ICE will be contacted at the jail; if an immigrant driver is cited and released, ICE will not be notified.

Reports from the Shelbyville Police Department obtained through a public records request verify that a disproportionate number of Latino drivers were arrested for traffic violations in the first quarter of 2011, and that a few police officers made the bulk of these arrests of Latinos. Of 74 reported arrests for traffic violations, 26 of those arrested were Latinos, and at least six other Latinos were omitted from the list of arrests provided by the police department. Thus, although Latinos make up only about 20 percent of the city's population, approximately 39% of arrests for driving license violations were arrests of Latinos. Arrests of Latino drivers were not equally distributed amongst



Miguel Gonzalez, long-time community member and Tortilla/Grocery store owner.

"In the beginning of this year, local police officers, the Sheriff's Department, and the TN Highway patrol were out in front of my store almost every day—they would come and park and just stay there. If local law enforcement really wanted to keep the community safe, they should have patrolled the residential areas nearby, where there were reports of break-ins. Instead, they focused on my store and the families doing nothing more than shop for their tortillas and food.

We are heavily surveilled as a community. Whether you are here legally or not, you are marked out if you have dark skin, hair, or if you speak English with an accent. We are still far, far from our ideals when we look at the practices of local law enforcement. I have been in Tennessee for nineteen years, and we need to educate our community and bring them into this society, rather than marginalize them and violate their civil and human rights."

Shelbyville police officers. Eleven of 23 Shelbyville police officers made arrests of 26 Hispanic drivers. Remarkably, just four officers made 62% of the total arrests of Latinos for traffic violations. Since Shelbyville police officers are assigned to patrol throughout the city rather than in a specific area, these statistics suggest that some officers may be intentionally targeting Latino drivers for traffic stops and arrests, perhaps in order to facilitate detention by ICE.

Latinos' individual experiences with the Shelbyville Police Department substantiate this statistical evidence of racial profiling. One Latino resident was pulled over by a Tennessee Highway Patrol State Trooper allegedly for speeding and immediately showed the officer his valid driver's license and proof of insurance. The officer then asked for the driver's green card. When the driver asked what authority the Trooper had to inquire about immigration, the Trooper demanded proof of his citizenship, stating that he "knew" the driver "was an illegal." The officer issued a citation for driving without a license, no proof of insurance, and no seatbelt, even though he had been given this documentation and the driver was visibly wearing a seatbelt. Latino drivers unable to produce a driver's license are typically arrested for driving without a license and transported to jail, where they are questioned about their national origin and reported to ICE. Officers have chosen to arrest parents for driving without a license even when they have small children with them in the car and no other caretaker is present.

Another recent victim of police harassment reports that he was pulled over without cause by one of the Shelbyville police officers responsible for the bulk of arrests of Latinos. The police officer refused to give a reason for pulling the driver over, and asked for the IDs of all occupants of the car. The driver was ultimately arrested and transported to jail for driving without a license, even though he was a longtime resident of Shelbyville, had no criminal record, and the officer had no reason to make the initial stop. Once at the jail, he was unlawfully detained after posting bond while the jailer waited for ICE to remove him, and he was only released through the aggressive advocacy of community members. Local law enforcement officers choose to arrest Latinos for minor traffic violations even when there are compelling reasons for them to exercise their discretion.

A single mother was recently involved in a minor fender-bender, for which she was not at fault. She explained to a Shelbyville police officer that she was a victim of severe domestic abuse in the process of submitting her VAWA self-petition to become a lawful permanent resident and was unable to produce a driver's license at this time. She was nevertheless arrested for driving without a license and detained in the Bedford County jail, where she was questioned about her national origin. She reports that she relied in the past on the Shelbyville police to help keep her safe from her abusive partner, but after her arbitrary arrest, she no longer trusted law enforcement to protect her from abuse and feared that she would be arrested too if she called for help.

Local law enforcement agencies' patrols, traffic stops, and arrests demonstrate a pattern of treating Latinos and other immigrants in a discriminatory manner.

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Racial Profiling and Immigration Enforcement in Bedford County, Tennessee

Booking and Detention in Bedford County

Immigrants face discrimination in booking and detention procedures at the Bedford County Jail, which is administered by the Bedford County Sheriff's Department and Sheriff Randall Boyce. Since at least 2007, the Bedford County Sheriff's Department has publicly sought to deport undocumented immigrants who come into contact with the criminal justice system for minor traffic violations like driving without a license. But the Department was never able to secure a 287(g) agreement with federal authorities. The Bedford County Sheriff's Department is now a zealous participant in Secure Communities, reporting all detainees who are born outside the United States to ICE pursuant to Tennessee law that went into effect January 2011. Unfortunately, the Bedford County Sheriff's Department has misconstrued this state law as a license to do whatever it takes to detain immigrants for ICE and facilitate their deportation, no matter if these practices are patently unlawful and unconstitutional. Immigrants are more likely to be held for long periods of time for minor traffic violations and to be held unlawfully without bond or after posting bond as a "courtesy" for ICE when there is no ICE detainer. Since January 2011, the unlawful practices of the Bedford County Sheriff's Department have resulted in as much as a tenfold increase in the number of immigrants detained for ICE – all at the expense of Bedford County's taxpayers. ICE has initiated deportation proceedings against most of those who have been unlawfully detained.

Under T.C.A. § 40-7-123, the Tennessee "Jailer Bill" that went into effect January 2011, standards issued by Tennessee's Peace Officer Standards Training ("P.O.S.T.") Commission give jailers narrow directives to question detainees about their citizenship and make certain reports to ICE. It by no means suspends the constitutional rights of detainees or the obligations of jailers under state and federal law, nor does it deputize jailers to enforce federal immigration law by indefinitely detaining suspected undocumented immigrants. In Bedford County, the Sheriff's Department has systematically misinterpreted its authority under this law. Numerous department officials, including high-level supervisors, have cited to the Jailer Bill as justifying their refusal to facilitate the setting of a bail amount for immigrant detainees, even though the right to bond is enshrined in Tennessee's state constitution. Even when a bail amount has been set, many department officials have refused to let families post bond, stating that the Jailer Bill forbids them from accepting bond for an immigrant detainee until ICE officials have determined they will not pick up that person. As a result, immigrants have languished in Bedford County jail for days and

"So pervasive is the warped sense of responsibility within the Sheriff's Department for enforcing federal immigration law that even when a noncitizen successfully posted bond and secured his release, Sheriff's deputies went to the individual's home to re-arrest him less than twenty-four hours later ... jailers give a dizzying array of inaccurate interpretations of federal regulations, evolving in response to community advocacy and legal education to justify their continued illegal detention of immigrants in the Bedford County Jail."

weeks longer than non-immigrants. Most do so without meaningful access to legal counsel, even when their only crime was driving without a license. Many are ultimately removed by ICE, even though the Bedford County Jail had detained them illegally. Only after systematic advocacy and legal education by community members have officers begun to allow immigrants to post bond.

The Bedford County Sheriff's Department has also systematically misconstrued federal regulations governing ICE detainees as justifying the discriminatory and illegal detention of many immigrants. Federal regulations give discretionary authority to ICE to request that local law enforcement detain individuals for up to 48 hours beyond the time they would otherwise have been entitled to release. 8 C.F.R. § 287.7 requires an immigration officer to issue Form I-247, the ICE detainer document, to the local jailor before requesting an individual's 48-hour detention. Officers at all levels in the Bedford County Sheriff's Department have routinely detained people beyond when they should have been released when they lack an ICE detainer, or the ICE detainer has long expired. In their conversations with advocates, jailers give a dizzying array of inaccurate interpretations of federal regulations, ever-evolving in response to community advocacy and legal education to justify their continued illegal detention of immigrants in the Bedford County Jail. Some jailers have told advocates that the federal regulations mandate 48 hours of additional detention time for all immigrant arrestees, regardless of whether ICE submits Form I-247. Some jailers have asserted that they may indefinitely hold immigrants who would otherwise be released until ICE decides whether or not to issue an ICE detainer. Most recently, jailers claim they cannot release a person until they have made a "courtesy call" or "courtesy fax" to ICE, which may take many hours and result in the issuance of an ICE detainer. These "courtesy" procedures are not provided in any statute or regulation.

Even when the jail has received Form I-247, the ICE detainer, jailers have habitually refused to release individuals upon expiration of the 48-hour clock. One method of circumventing the clear language of the 8 C.F.R. § 287.7 is to distort the moment at which the 48 hours begin to run. The Bedford County Sheriff's Department grossly overstates the amount of time they are allowed to hold someone pursuant to an ICE detainer. Sheriff Boyce has stated publicly that he believes if he arrests someone on a Friday, the 48 hours do not start to run until Monday, allowing him to hold that person until Wednesday. Others officers claim they must hold an immigrant over the weekend even if ICE hasn't issued a detainer. Another method is to simply disregard the 48 hours, and hold people until ICE arrives. On several occasions, jailers have maintained that they possess authority to unlawfully detain individuals because "ICE is on the way."

So pervasive is the warped sense of responsibility within the Sheriff's Department for enforcing federal immigration law that even when a noncitizen successfully posted bond and secured his release, Sheriff's deputies went to the individual's home to re-arrest him less than twenty-four hours later. When pressed by the Latino resident's family, Sheriff's Department officials admitted the sole reason for his re-arrest was to allow questioning by ICE, and to detain him pursuant to an ICE hold.

The policies of the Bedford County Sheriff's Department substantially increase jail time for immigrant arrestees who haven't been to court, haven't been convicted of a crime, and have usually been arrested for a minor traffic infraction. These inmates are presumed guilty, and their deportation by ICE is widely considered a foregone conclusion.

For example, one Bedford County resident was arrested for a minor traffic violation and held in Bedford County jail days after he should have been released. The jail lacked an ICE detainer, but jailers claimed they had an "oral" ICE hold and refused to release him when pressed. He was eventually arrested and deported by ICE, even though he was a victim of violent crime and was likely eligible for a U-Visa.

The Forgotten Constitution

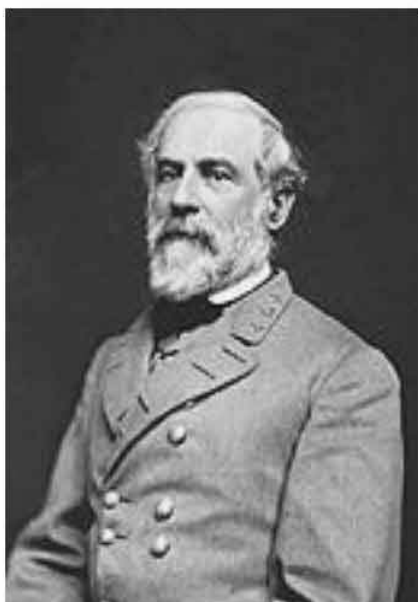
Racial Profiling and Immigration Enforcement in Bedford County, Tennessee

Navigating the Court System

A large painting of Confederate General Robert E. Lee hangs above the main doorway just inside the Bedford County criminal court, and is the only portrait in the courtroom. There is little justice here for immigrants who walk through these doors, in the shadow of that disciple of state racism and white supremacy.

Multiple reports by criminal defense counsel indicate that some local law enforcement officers are making notations reading “Not a U.S. Citizen” or “Non-citizen” on the arrest report or criminal citation – the document that provides the basis for the judicial proceeding against a criminal defendant. Latino drivers are consistently sentenced to jail time and probation for minor offenses such as driving without a license, whereas non-immigrant drivers may be ordered to pay a fine or attend traffic school. Immigrant criminal defendants assigned to the public defender are often not advised of the immigration consequences of a criminal conviction pursuant to *Padilla*. Recommendations by defense counsel to plead guilty have jeopardized the ability of some long-standing community members to qualify for cancellation of removal or other immigration relief. Finally, some court-appointed attorneys have apparently charged indigent Latino clients for court appearances, despite the fact that these defendants are charged attorney fees by the probation office for the exact same representation and court appearances.

“There is little justice here for immigrants who walk through these doors.”



A large painting of General Robert E. Lee hangs above the main doorway just inside the Bedford County criminal court, and is the only portrait in the courtroom.

Immigrants with limited English proficiency face additional barriers to their meaningful participation in the court system, even when they are criminal defendants and the stakes are exceptionally high. The Department of Justice has made clear that courts receiving federal assistance must provide meaningful access to people with limited English proficiency and should provide quality language interpreters at no cost to litigants and witnesses in order to comply with Title VI of the Civil Rights Act. Although roughly 20% of the population of Shelbyville is Latino, the Bedford County Circuit and Sessions Courts systematically fail to provide interpreter services, making it difficult for many immigrants to enjoy equal access to the justice system. No interpreter services are offered at the clerk's office. A Spanish language interpreter is regularly present only in criminal court, and she is reportedly not certified or registered as a court interpreter by the State of Tennessee. On several occasions where criminal defendants where indigenous Guatemalans with little or no Spanish proficiency, the Spanish-language interpreter has failed to identify these language barriers and pressured them to allow the process to move forward. Many criminal defendants report that this court interpreter has failed to provide accurate interpretation, inserted her own opinions or legal advice, told undocumented immigrants

they have to plead guilty because they have no rights and will –definitely be deported,” and served as a matchmaker for private defense attorneys who would be paid far less for the same representation were they court-appointed instead of hired by the defendant. One former defendant states that the interpreter told him to –plead guilty in order for [the] case to go faster.” Another former defendant states that the interpreter told her she had to plead guilty because her sister had. Bedford County courts fail to provide interpreter services at no cost and asses interpreter fees uniformly against most Latino litigants, effectively levying an additional tax against Latinos who need to access the court system based on their perceived national origin. Latinos are assessed at least \$50 by the court for interpreter services at each court appearance, in at least some cases, even when a person was proficient in English and had not used an interpreter.

The Forgotten Constitution

Racial Profiling and Immigration Enforcement in Bedford County, Tennessee

Encounters with Immigration and Customs Enforcement (ICE)

In 2011, Immigration and Customs Enforcement (ICE) initiated a sting in cooperation with the Bedford County Probation Office in which Latino probationers were profiled based on their perceived national origin.

As part of ICE's annual Operation Cross-Check, ICE Nashville Fugitive Operations Team Deportation Officer Bradley Epley contacted the head of the Bedford County Probation Office, Rory Griffey. Epley informed Mr. Griffey of his desire to arrest noncitizens with criminal convictions as part of Cross-Check. Over multiple e-mails, the Probation Office prepared and transmitted to Epley a list of probationers who may be subject to deportation. The only trouble was, for the vast majority of persons, the Probation Office knew neither the individual's country of birth nor his immigration status. Rather than investigating further, Epley and the Probation Office simply compiled a list of Hispanic-sounding names, thus profiling the individuals based on perceived national origin and ethnicity. Probation officers then put on a full-court press in the weeks leading up to Cross-Check by calling all individuals on the list and demanding they come to the Probation Office at 9 am on an upcoming Thursday. For many, if not most probationers, Thursday was not their normal report day; several had to miss work—a thing all-to-difficult to come by in this economy — to be present for the inquisition. No mention was made of ICE's presence. The message was clear: show up or go to jail for violating probation.

Once at the Bedford County Probation Office, individuals were asked to pay their probation fees (generally each probationer pays a weekly amount). Then at least 15 Hispanic men were taken to a second room, where an ICE agent was waiting. That agent proceeded to interrogate the men about their citizenship and immigration status. If the right answers weren't forthcoming, another ICE agent—believed to be Nashville-based Eric Lim—handcuffed or shackled the individual and took him to a room where over a dozen Latino men were gathered.

In addition to the racially-targeted arrests that occurred inside the Probation Office, ICE questioned multiple residents of Latino appearance in the parking lot. At least one man was arrested while standing outside the Probation Office talking on his cellular phone, according to eyewitness accounts. Indeed, the zeal of some Fugitive Operations Team agents to arrest everyone in sight reportedly culminated in a visible argument between a white agent and another agent who was a native Spanish speaker.

Following their arrests by ICE, the approximately 18 men were transported in white vans to the ICE office in Nashville, Tennessee, where they were further interrogated and made to sign documents without the opportunity to consult counsel. Multiple accounts

The head of probation “publicly expressed his profound regret that he had ever collaborated with ICE. What he was led to believe would be a targeted operation to remove the worst of the worst proved to be a dragnet aimed at grabbing as many men as possible.”

report ICE agents and supervisors becoming furious at men who refused to make statements and requested a lawyer. One man who was present refused to repeat the profanities agents used for fear that his wife and children could overhear him.

In the aftermath of the probation raid, the head of the Probation Office admitted that the list he compiled at Deportation Officer Epley's request was based not on reasonable suspicion of alienage or unlawful presence, but rather, on the way each person's last name looked and sounded. Mr. Griffey publicly expressed his profound regret that he had ever collaborated with ICE. What he was led to believe would be a targeted operation to remove the worst of the worst proved to be a dragnet aimed at grabbing as many men as possible.

At least one official with ICE's Chattanooga field office candidly admits that its office follows this "dragnet" approach to immigration enforcement in Bedford County. The office follows this approach despite clear guidance from ICE director John Morton on priorities for immigration apprehension, detention, and removal that instruct ICE agents to "exercise particular discretion when dealing with minor traffic offenses such as driving without a license." John Bobo with ICE's Chattanooga office told an advocate that he will fill every seat on the bus when he sends it to a county jail, even if this means detaining people who have committed minor traffic infractions. Bobo states he intends to take every person he can into his custody because he sees no distinction between traffic violations and more serious criminal acts.

The Forgotten Constitution

Racial Profiling and Immigration Enforcement in Bedford County, Tennessee

Efforts Undertaken by the Community Thus Far

Community members directly affected by racial profiling are building grassroots power to defend the community from law enforcement abuses and to fight back against racial discrimination. Latinos Unidos de Shelbyville (LUS) formed in January 2011 in direct response to the problems described in this report, and has been at the forefront of the daily struggle to improve life for immigrants in Bedford County by organizing the community. Statewide groups including Tennessee Immigrant and Refugee Rights Coalition (TIRRC), Statewide Organizing for Community Empowerment (SOCM), and Justice for Our Neighbors (JFON) have provided tremendous support to these local organizers.

Together, these groups have convened community meetings sometimes more than a hundred strong, provided know-your-rights trainings on the criminal justice and immigration enforcement systems, collected stories and data documenting discrimination towards immigrants, and inspired community members to engage in strategic, organized resistance against anti-immigrant law enforcement practices. The organizing model of “Neighborhood Defense Committees” was one of the few good things to come out of the aftermath of SB 1070 in Arizona, and in November of 2010, Shelbyville residents were able to meet with Arizona organizers and partake in the lessons learned from Arizona’s struggle against racial profiling. Through a process of popular education and intensive “Defend Your Rights” trainings, TIRRC has helped community members form their own “Neighborhood Defense Committee”, where community members use radio, one-on-one conversations, and door-to-door outreach to move forward a proactive, rapid-response network of activists to fend off attacks on the community. For instance, in response to the raid at the probation office, LUS rapidly organized several teams to go door-to-door to offer know-your-rights to other immigrants on probation and urge them to get involved in community organizing. SOCM has been an invaluable ally to the immigrant community, diligently documenting rights abuses, and opening doors with local and state officials to address egregious violations of civil and human rights. For example, LUS and SOCM persuaded the head of the probation office to attend a community meeting to explain his collaboration with ICE. He was peppered with questions from many individuals directly affected by the raid. By the end of the meeting, the probation officer was deeply apologetic and vowed not to cooperate with future requests from ICE.

In the coming weeks, TIRRC, LUS, RWG and our community partners will complete and deliver a comprehensive pattern-and-practice complaint to the Department of Justice Civil Rights division that will document specific instances of the violations described above.

The Forgotten Constitution

Racial Profiling and Immigration Enforcement in Bedford County, Tennessee

NOTES



The Tennessee Immigrant and Refugee Rights Coalition
446 Metroplex Drive, Bldg. A, Ste. 224, Nashville, TN 37211



Homeland
Security

September 29, 2011

Via Electronic Mail

(b)(5)

Rights Working Group

(b)(5)

Tennessee Immigrant and Refugee Rights Coalition

(b)(6)@rightsworkinggroup.org

Re: Complaint No. 11-12-ICE-0303

Dear Mrs. (b)(5) and Mr. (b)(5)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on September 20, 2011. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at crcl@dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to www.dhs.gov/crcl. To learn more about the Privacy Act, go to the Federal Information Center, www.pueblo.gsa.gov.



Homeland
Security

June 25, 2012

(b)(5)

Rights Working Group

(b)(5)

Washington, DC 20036

(b)(5)

Tennessee Immigrant and Refugee Rights Coalition

(b)(5)

Nashville, TN 37211

Re: Complaint No. 11-12-ICE-0303

Dear Ms. (b)(5) and Mr. (b)(5)

This letter is in response to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on September 20, 2011 involving an Immigration and Customs Enforcement (ICE) action in Shelbyville, Tennessee. Your complaint alleges that an ICE enforcement action in Shelbyville from September 17-22, 2011 was retaliatory in nature. Specifically, your complaint alleges that the enforcement action was an effort to target and intimidate community members who had spoken out against alleged police and ICE abuses at a community forum held five days prior to the commencement of the enforcement action.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against DHS employees and officials concerning violations of civil rights and civil liberties. Accordingly, CRCL has conducted an investigation of your allegations. In order to complete this investigation CRCL spoke with the complainants, several residents and attorneys in Shelbyville, and the ICE Fugitive Operations Supervisor in Nashville. CRCL also reviewed ICE documents relevant to the complaint.

Based upon our review, CRCL could not substantiate the claim that the enforcement operation was retaliatory in nature. We have determined that the Shelbyville, Tennessee enforcement operation had been planned a month in advance of the community forum held on September 12, 2011 and was part of a nationwide enforcement operation to be held on specific days. However, as a result of your complaint, CRCL did recommend that, for field offices and local law enforcement partners, ICE should reemphasize existing guidance and provide additional training about the prohibitions on racial or ethnic profiling (including name origin) in immigration enforcement.

Protected by Attorney-Client and Deliberative Process Privileges

This concludes our review of this complaint. If you have any additional information or allegations regarding inappropriate treatment by officials of DHS, do not hesitate to provide the information. We appreciate you bringing these matters to our attention; inquiries like this help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Protected by Attorney-Client and Deliberative Process Privileges

December 15, 2011

MEMORANDUM FOR: File

FROM: (b)(6)
Policy Advisor

SUBJECT: Raid in Shelbyville, TN – Phone Conversation Memorandum

This memorandum summarizes information obtained during a phone call with Ms. (b)(6) (b)(6) a resident of Shelbyville, Tennessee whose father was sought during the ICE enforcement operation commencing on September 17, 2011.

Ms. (b)(6) provided the following information:

Early in the morning of September 17, 2011, Ms. (b)(6) received a call from her father (b)(6) president of Latinos United and board member of SOCM (Statewide Organization for Community Empowerment). He called to inform her that ICE was in town and asked her to pass the word around. She tried to make phone calls to others and sent out text messages to make sure people were aware of the situation.

Ms. (b)(6) does not know how many officers were involved. She read an email from (b)(6) (b)(6) at TIRRC stated that there were probably 4 ICE officers involved in the enforcement operation.

At 10am that morning, Ms. (b)(6) mother called her and said the police had knocked on her door at home asking for (b)(6). Neither of Ms. (b)(6) parents was present at the home and her 17 year old brother answered the door. He did not know if the people knocking were ICE or the police, but he told them that (b)(6) was not there and that he was likely at his store. He provided them with (b)(6) cell phone number.

It is not clear if the agents, either police or ICE, identified themselves. Ms. (b)(6) said her brother knows who both ICE and the police are and he did not know who was knocking on the door.

Ms. (b)(6) then headed to her parent's store. On the way she was on the phone with her father and he stated that an ICE agent had called him telling him to turn himself in. She arrived at the store and was there for maybe a half-hour when ICE agents pulled up into the parking lot of the store. They checked a car tag in the parking lot, backed up, and left the parking lot.

Ms. (b)(6) stated that (b)(6) has an attorney by the name of (b)(6). Additionally, he worked with another community attorney (b)(6) (b)(6) who works with Justice for Our Neighbors, had contacted ICE and asked why they were looking for (b)(6). The agent told her that (b)(6) needed to turn himself in.

because he is a criminal and because he is an illegal alien. She asked “but why (b)(6) and why now?” The ICE agent said “that is all I am discussing with you,” and hung up the phone.

I think it has to do with the forum we held on the 12th of September. The situation that my dad was in, was in the exact same situation as someone else who wasn't at the forum and nothing happened to him.

On Monday, September 19, 2011, Ms. (b)(6) stated that ICE agents were in Shelbyville again. She said that an unmarked SUV was parked in the store parking lot and the driver of the car was staring at the store. Ms. (b)(6) cannot verify who was in the car, but she believes it was an ICE agent. The apparent agent was there for about an hour and never got out of the car.

On the following Tuesday or Wednesday, September 20 or 21, 2011, ICE agents returned to Shelbyville and they were looking for more people. At this point, (b)(6) was hiding out trying to avoid ICE.

Ms. (b)(6) stated that (b)(6) was on probation. He knew he would need to report to the probation office and he was worried that ICE would pick him up there when he checked in. On October 5, 2011, Mr. (b)(6) went to the probation office. He had called ahead of time asking if he could come on a different day. The probation officer told him it needed to be the first Monday or first Wednesday of the month as it had always been.

That day, Mr. (b)(6) went to the probation office with local advocate, (b)(6) Mr. (b)(6) was apprehended by ICE at the probation office and (b)(6) contacted Ms. (b)(6) mother to let her know what had happened. ICE never informed Mr. (b)(6) family of what occurred. He later called them himself to inform them of what had occurred.

Ms. (b)(6) said that ICE's handling of her father's case was very odd. Within 2 or 3 days he was already moved to Alabama and by October 12, 2011 he was in Louisiana. His attorney, (b)(6) had told him and his family that he felt that Mr. (b)(6) had a strong case as he had been in the United States for nearly 23 years and he would get a court hearing. On October 12, 2011, (b)(6) received a notice of removal for Mr. (b)(6) which stated that he had 10 days to reply to the notice. (b)(6) advised Mr. (b)(6) not to take voluntary removal as he felt Mr. (b)(6) had a good case and he time 10 days to respond. Within 5 days of the notice, however, Mr. (b)(6) was already removed to Mexico. Mr. (b)(6) called his family from Mexico on October 17, 2011.

(b)(6) was very angry by what had occurred and contacted (b)(6),(b)(7)(C) the ICE FOD in Louisiana. In his email to Mr. (b)(6),(b)(7)(C) (b)(6) stated that he had 10 days to respond and ICE had removed his client before that. He received no response from Mr. (b)(6),(b)(7)(C) On October 18, 2011, however, another ICE agent called (b)(6) and informed him that ICE had made a mistake and that his client was not supposed to be removed. The agent said to send Mr. (b)(6) case paperwork to ICE for review. (b)(6) has emailed ICE several times asking

about Mr. (b)(6) case, however, he has never received a response from ICE to any of the emails.

Additionally, on that October 17, 2011, the day Mr. (b)(6) was deported, Ms. (b)(6) stated that her family knew nothing of what was occurring to her father. They had contacted ICE in Louisiana several times that day inquiring about (b)(6). They kept hearing responses like he was not there, maybe he had been transferred, he is probably somewhere else, he is not in our system. ICE also said use an online locator system to get more information about Mr. (b)(6). Ms. (b)(6) did that, however, there was no information on her father in the system. Around 6pm that evening, however, they received a call from Mr. (b)(6) in Mexico and he stated he had been deported.

December 19, 2011

MEMORANDUM FOR: File

FROM:

(b)(6)
Policy Advisor

SUBJECT:

Raid in Shelbyville, TN – Phone Conversation Memorandum

This memorandum summarizes information obtained during a phone call with Mr. (b)(6) an attorney in Shelbyville, Tennessee who represented (b)(6)

Mr. (b)(6) provided the following information:

(b)(6) belonged to a grassroots organization working against ICE racially profiling Hispanics. It got to the point where U.S. citizens were being picked up as well and his group and TIRRC put together a dialogue with the civil rights offices of DHS and DOJ. A week later, ICE came into town and started picking up people.

They went to his house looking for him, but he was at his store. They got him later on at his probation office in Williamson County, Tennessee.

After that there were a lot of issues. Mr. (b)(6) legal partner contacted ICE in Nashville to find out what was going on with Mr. (b)(6) and she was told that ICE Nashville had never picked him up. The Nashville office suggested that the Chattanooga office picked him up. Mr. (b)(6) and his partner called the Chattanooga office and spoke with an ICE agent who stayed on asked questions and stayed on the phone with them for a significant period of time. They found out that the Nashua office picked him up. He was placed in removal proceedings first, however, he then received an administrative removal notice.

Mr. (b)(6) sent in a request to have documents forwarded to his office. On October 12, 2011 he received the removal notice via email which stated that he needed to respond within 10 days.

Mr. (b)(6) was working on the response, but Mr. (b)(6) was removed during that 10 days. Mr. (b)(6) contacted the ICE FOD office and informed the person he was speaking to that Mr. (b)(6) removal was out of line and that he should have had the 10 days to respond. He asked if there was a possibility of paroling Mr. (b)(6) in and the ICE agent responded saying send the documents over and they will determine at a later point if Mr. (b)(6) should be brought in. Mr. (b)(6) response was sent via FedEx and ICE received it on October 22, 2011, 10 days from the date on the removal notice.

Mr. (b)(6) stated that he received a phone call from Mr. (b)(6) on the day he had been removed and (b)(6). Apparently, Mr. (b)(6) was pulled out of his cell and walked where instructed. When he was near the plane, however, ICE agents allegedly began hitting him.

Mr. (b)(6) stated that he has not informed ICE of this as he cannot verify that it happened, he only know what (b)(6) stated. Mr. (b)(6) encouraged Mr. (b)(6) children to file a complaint with DHS about Mr. (b)(6) being hit.

DRAFT

December 20, 2011

TO: File

FROM: (b)(6)
Policy Advisor

RE: Shelbyville, TN – raid allegation, phone call memorandum

This memorandum provides a summary of a phone conversations had with ICE Fugitive Operations Agent, (b)(6),(b)(7)(C) located in Nashville, Tennessee.

ICE Agent (b)(6),(b)(7)(C) provided the following information:

Agent (b)(6),(b)(7)(C) stated this was an Operation Cross Check enforcement operation. There were approximately ten agents and officers involved in the enforcement operation during the course of those three days, including Agent (b)(6),(b)(7)(C) team of five, two assistants from HIS, and local probation and parole officers.

When asked whether it was standard practice to utilize local officers in a cross check enforcement action, Agent (b)(6),(b)(7)(C) said that it does occur and that in this instance, headquarters had suggested using probation and parole officers to track down people.

With respect to how an operation like this comes into being, Agent (b)(6),(b)(7)(C) stated that with Operation Cross Check, HQ requests the operation. He believes this request occurred in July or August of 2011. He stated that between HQ and a field office there are multiple exchanges related to Operation Cross Check – cases, then lists, then vetting the list. Once approved by HQ and FOD level, the operation is ready. Mr. (b)(6),(b)(7)(C) has emails demonstrating all of this and he will provide those. Additionally, he stated this was either a nationwide or regional cross check operation.

Mr. (b)(6),(b)(7)(C) said that in terms of prepping an operation he is responsible for determining costs, amount of manpower required for an operation, if arrests are made – transfer and transportation support, etc. He said he does not like less than three officers going to a location. His team is trained every six months on 4th amendment issues.

In terms of the community forum that was held on September 12, 2011, Mr. (b)(6),(b)(7)(C) stated that he found out about the meeting after the fact from (b)(6) called Mr. (b)(6),(b)(7)(C) on the first day of Operation Cross Check and was very angry. Mr. (b)(6),(b)(7)(C) stated that he could not provide any information about an ongoing investigation.

Mr. (b)(6),(b)(7)(C) mentioned the apprehension of (b)(6),(b)(7)(C) (b)(6),(b) called him on the first day of the operation and told him to turn himself in. (b)(6),(b)(7)(C) said that he did not want to do so and needed to talk to his attorney. Mr. (b)(6),(b)(7)(C) that demonstrated to him that (b)(6),(b)(7)(C) was “illegal,” because he would not want to talk to his lawyer if he was not illegal. Mr. (b)(6),(b)(7)(C) stated that during an

operation they could come across US Citizens as the only factors looked at are country of birth and conviction.

He finally stated that this was not retaliatory in any way and was a straightforward operation.

DRAFT

SHORT FORM COMPLAINT CLOSURE RECOMMENDATION

To: Tamara Kessler
From: (b)(6)
Date: June 25, 2012
Complaint: Raid in Shelbyville, TN 11-12-ICE-0303

Recommendation:

☐ Close: Insufficient information, withdrawal, or lack of jurisdiction	☐ Convert into long-form complaint
☒ Close: Issue resolved (with recommendation to ICE)	☐ Other:

Complaint Synopsis:

On September 20, 2011, CRCL received correspondence submitted via email from (b)(5) of the Rights Working Group (RWG) and (b)(5) of the Tennessee Immigrant and Refugee Rights Coalition (TIRRC). The letter alleged that an Immigration and Customs Enforcement (ICE) action that took place in Shelbyville, Tennessee from September 17-22, 2011, was retaliatory in nature. On September 12, 2011, five days prior to the enforcement action, TIRRC and an organization called Latinos United organized a community forum to highlight the concerns of Latino residents in Shelbyville. A CRCL policy advisor and an attorney from the Department of Justice attended the forum. Latino residents, attorneys, and advocates emphasized that residents felt targeted by both local law enforcement and ICE, whom they alleged were conducting pretextual stops and arrests for the purposes of immigration enforcement. TIRRC and RWG allege that the September 17-22, 2011 enforcement action was retaliatory in nature, i.e. an effort to intimidate community members who spoke out against the alleged police and ICE abuses.

Suggested closure method(s):

- | | |
|---|---|
| ☒ Close letter to complainant | ☒ Close email/memo to component |
| ☐ Phone call | ☐ High level component communication |
| ☐ Meeting (e.g. mediation, settlement) | ☐ No notification necessary |

Explanation:

CRCL conducted its investigation by speaking with the complainants, several residents and attorneys in Shelbyville, and the ICE Fugitive Operations Supervisor in Nashville. CRCL has concluded that the ICE enforcement operation was not retaliatory in nature. (b)(6),(b)(7)(C) the ICE Fugitive Operations Supervisor in Nashville provided multiple emails, which are attached to this memorandum, indicating that the enforcement operation was part of a nationwide plan that had been planned more than a month in advance. The enforcement operation was entitled "National Operation Cross Check" that was to take place in 24 Areas of Responsibility amongst 104 Fugitive Operations Teams. Emails were exchanged between ICE Enforcement and Removal Operations and (b)(6),(b)(7)(C) going back to August of 2011 discussing the details of the operation both locally and nationally, the generation of a list of individuals to apprehend, prioritization of targets, and other logistics. Lists were generated in late August, prior to the September 12, 2011 community forum.

Protected by deliberative process privileges

Recommendation:

CRCL received a previous complaint from TIRRC in September, 2011 where TIRRC, in a report released September 12, 2011 and entitled "The Forgotten Constitution," alleged that an ICE agent and the head of the probation office in Shelbyville, Tennessee produced a list of "Hispanic-sounding names" for a previous Operation Cross Check enforcement action. While CRCL did not substantiate the allegation, CRCL did provide recommendations to serve as reminders to the field. Specifically, CRCL recommended:

1. (b)(5)
- 2.
- 3.

Recommendation Accepted _____
Not Accepted: _____

TJM

Further Action Required: _____

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-1158 11-12-ICE-0303 (b)(5)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-09-28 10:32	Create	Component Referenced	ICE	7936	(b)(6)	User Change
DhsComplaint	2011-09-28 10:32	Create	Summary	On September 20, 2011, CRCL received email correspondence from the Rights Working Group and the Tennessee Immigrant and Refugee Rights Coalition, alleging that on September 17, 2011 in Shelbyville, Tennessee, ICE Homeland Security Investigations (HSI) con	7936		User Change
DhsComplaint	2011-09-28 10:32	Create	Executive Summary	On September 20, 2011, CRCL received email correspondence from the Rights Working Group and the Tennessee Immigrant and Refugee Rights Coalition, alleging that on September 17, 2011 in Shelbyville, Tennessee, ICE Homeland Security Investigations (HSI) con	7936		User Change
DhsComplaint	2011-09-28 10:32	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7936		User Change
DhsComplaint	2011-09-28 10:32	Create	Days to Process	8	7936		User Change
DhsComplaint	2011-09-28 10:32	Create	Date to CRCL	09/20/2011	7936		User Change
DhsComplaint	2011-09-28 10:32	Create	Date to DHS	09/20/2011	7936		User Change
DhsComplaint	2011-09-28 10:32	Create	Date on Correspondence	09/20/2011	7936		User Change
DhsComplaint	2011-09-28 10:32	Create	Sender Type	NGO/Organization	7936		User Change
DhsComplaint	2011-09-28 10:32	Create	Method of Receipt	Email	7936		User Change
DhsComplaint	2011-09-28 10:32	Create	Entry Date	09/28/2011	7936		User Change
DhsComplaintAction	2011-11-09 09:11	Create	Action Date	11/09/2011	106433		User Change
DhsComplaintAction	2011-11-09 09:11	Create	Action	Short Form	106433		User Change
DhsComplaintAction	2011-10-06 12:16	Create	Action	Back from Officer	106160		User Change
DhsComplaintAction	2011-10-06	Create	Comments	Short Form assign to (b)(6)	106160		User

	12:16					(b)(6)	Change
DhsComplaintAction	2011-10-06 12:16	Create	Primary Assignment	(b)(6)	106160		User Change
DhsComplaintAction	2011-10-06 12:16	Create	Action Date	10/06/2011	106160		User Change
DhsComplaintAction	2011-10-06 12:16	Create	Action	Recommendation Review	106159		User Change
DhsComplaintAction	2011-10-06 12:16	Create	Comments	Short Form assign to (b)(6)	106159		User Change
DhsComplaintAction	2011-10-06 12:16	Create	Action Date	10/06/2011	106159		User Change
DhsComplaintAction	2011-09-29 16:33	Update	Action Date	09/29/2011	106051		User Change
DhsComplaintAction	2011-09-29 16:32	Update	Action Date	09/28/2011	106051		User Change
DhsComplaintAction	2011-09-29 16:32	Update	Action Date	09/29/2011	106051		User Change
DhsComplaintAction	2011-09-29 16:27	Create	Action Date	09/28/2011	106064		User Change
DhsComplaintAction	2011-09-29 16:27	Create	Action	Acknowledgement Letter Sent	106064		User Change
DhsComplaintAction	2011-09-29 16:27	Create	Document	9.20.2011 11-12-ICE-0303.pdf	106064		User Change
DhsComplaintAction	2011-09-28 15:08	Create	Comments	On September 28, 2011, Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it be handled as a short form Complaint.	106051		User Change
DhsComplaintAction	2011-09-28 15:08	Create	Action Date	09/28/2011	106051		User Change
DhsComplaintAction	2011-09-28 15:08	Create	Action	Awaiting Recommendation	106051		User Change
DhsComplaintAction	2011-09-28 15:07	Create	Action Date	09/28/2011	106050		User Change
DhsComplaintAction	2011-09-28 15:07	Create	Action	IG Declines/Back from IG	106050		User Change
DhsComplaintAction	2011-09-28 15:07	Create	Document	11-12-ICE-0303 (OIG Response 9.28.2011).pdf	106050		User Change
DhsComplaintAction	2011-09-28 10:53	Create	Action Date	09/28/2011	106041		User Change
DhsComplaintAction	2011-09-28 10:53	Create	Action	Sent to IG	106041		User Change
				On September 28, 2011, Jeffrey			

DhsComplaintAction	2011-09-28 10:45	Create	Comments	Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it be handled as a short form Complaint.	106040	(b)(6)	User Change
DhsComplaintAction	2011-09-28 10:45	Create	Action Date	09/28/2011	106040		User Change
DhsComplaintAction	2011-09-28 10:45	Create	Action	Open a Complaint	106040		User Change
DhsComplaintAction	2012-06-26 10:51	Create	Document	SHORT FORM CLOSE MEMO - Complaint 11-12-ICE-0303_Signed 6-25-12.pdf	107813		User Change
DhsComplaintAction	2012-06-26 10:51	Create	Action	Closed - Short Form/No Further Action	107813		User Change
DhsComplaintAction	2012-06-26 10:51	Create	Internal Summary	On September 20, 2011, CRCL received correspondence submitted via email from (b)(5) of the Rights Working Group (RWG) and (b)(5) of the Tennessee Immigrant and Refugee Rights Coalition (TIRRC). The letter alleged that an Immigration an	107813		User Change
DhsComplaintAction	2012-06-26 10:51	Create	Reporting Summary	On September 20, 2011 CRCL recieved a complaint alleging that an ICE enforcement action in Shelbyville, TN from September 17-22, 2011 was retaliatory in nature. Specifically, the alleged that the enforcement action was an effort to target and intimidat	107813		User Change
DhsComplaintAction	2012-06-26 10:51	Create	Action Date	06/26/2012	107813		User Change
DhsComplaintDocument	2012-06-26 10:42	Create	Foreign Language	No	87083		User Change
DhsComplaintDocument	2012-06-26 10:42	Create	Document Type	Closed Letter	87083		User Change
DhsComplaintDocument	2012-06-26 10:42	Create	Document 1	CRCL 11-12-ICE-0303 SF Close Letter Shelbyville Raid 6-25-12.pdf	87083		User Change
DhsComplaintDocument	2012-06-26 10:42	Create	Dateentered	06/26/2012	87083		User Change
DhsComplaintDocument	2012-06-26 10:41	Create	Foreign Language	No	87082		User Change
DhsComplaintDocument	2012-06-26 10:41	Create	Document Type	Short Form Doc	87082		User Change
DhsComplaintDocument	2012-06-26 10:41	Create	Document 1	SHORT FORM CLOSE MEMO - Complaint 11-12-ICE-0303_Signed 6-25-12.pdf	87082		User Change
DhsComplaintDocument	2012-06-26 10:41	Create	Dateentered	06/26/2012	87082		User Change

DhsComplaintDocument	2012-05-08 10:55	Create	Document Type	Investigative Material	86641	(b)(6)	User Change
DhsComplaintDocument	2012-05-08 10:55	Create	Document 3	DRAFT 12-15-11 Phone Call with (b)(6) docx	86641	(b)(6)	User Change
DhsComplaintDocument	2012-05-08 10:55	Create	Dateentered	05/08/2012	86641	(b)(6)	User Change
DhsComplaintDocument	2012-05-08 10:55	Create	Foreign Language	No	86641	(b)(6)	User Change
DhsComplaintDocument	2012-05-08 10:55	Create	Document 4	DRAFT 12-19-11 Phone Call with (b)(6) docx	86641	(b)(6)	User Change
DhsComplaintDocument	2012-05-08 10:55	Create	Comments	Notes from phone calls with community members, attorneys, and ICE agent.	86641	(b)(6)	User Change
DhsComplaintDocument	2012-05-08 10:55	Create	Document 5	DRAFT 12-20-11 Phone call with (b)(6) docx	86641	(b)(6)	User Change
DhsComplaintDocument	2012-05-08 10:55	Create	Document 2	12-9-11 Phone Call with (b)(6) draft.docx	86641	(b)(6)	User Change
DhsComplaintDocument	2012-05-08 10:55	Create	Document 1	10-13-11 TIRRC CAI Draft Notes.docx	86641	(b)(6)	User Change
DhsComplaintDocument	2011-09-28 10:40	Create	Document 1	9 20 2011 Raid in Shelbyville TN.pdf	85151	(b)(6)	User Change
DhsComplaintDocument	2011-09-28 10:40	Create	Dateentered	09/28/2011	85151	(b)(6)	User Change
DhsComplaintDocument	2011-09-28 10:40	Create	Document Type	Incoming Letter	85151	(b)(6)	User Change
DhsComplaintDocument	2011-09-28 10:40	Create	Foreign Language	No	85151	(b)(6)	User Change
DhsComplaintIssue	2011-09-28 11:08	Create	(b)(5)	(b)(5)	13172	(b)(6)	User Change
DhsComplaintIssue	2011-09-28 11:08	Create	Situation	DHS law enforcement activity	13172	(b)(6)	User Change
DhsComplaintIssue	2011-09-28 11:08	Create	Incident Date	09/17/2011	13172	(b)(6)	User Change
DhsComplaintIssue	2011-09-28 11:08	Create	Incident Location Type	Residence	13172	(b)(6)	User Change
DhsComplaintIssue	2011-09-28 11:08	Create	State	Tennessee - TN	13172	(b)(6)	User Change
DhsComplaintIssue	2011-09-28 11:08	Create	City	Shelbyville	13172	(b)(6)	User Change
DhsComplaintIssue	2011-09-28 11:08	Create	Ongoing	No	13172	(b)(6)	User Change
DhsComplaintIssue	2011-09-28	Create	Redirect to	No	13172	(b)(6)	User

	11:08		Subject		(b)(6)	Change
DhsComplaintIssue	2011-09-28 11:08	Create	Primary Issue	Yes	13172	User Change
DhsComplaintPartiesInvolved	2011-09-28 11:02	Create	Last Name	Raid in Shelbyville TN	22303	User Change
DhsComplaintPartiesInvolved	2011-09-28 11:02	Create	Contact Type	On Behalf Of	22303	User Change
DhsComplaintPartiesInvolved	2011-09-28 10:58	Create	Last Name	(b)(5)	22302	User Change
DhsComplaintPartiesInvolved	2011-09-28 10:58	Create	Organization	Other	22302	User Change
DhsComplaintPartiesInvolved	2011-09-28 10:58	Create	Prefix	Mr	22302	User Change
DhsComplaintPartiesInvolved	2011-09-28 10:58	Create	First Name	(b)(5)	22302	User Change
DhsComplaintPartiesInvolved	2011-09-28 10:58	Create	Contact Type	Sender	22302	User Change
DhsComplaintPartiesInvolved	2011-09-28 10:58	Create	Other Organization	Tennessee Immigrant and Refugee Rights Coalition	22302	User Change
DhsComplaintPartiesInvolved	2011-09-28 10:56	Create	Last Name	(b)(5)	22301	User Change
DhsComplaintPartiesInvolved	2011-09-28 10:56	Create	Organization	Other	22301	User Change
DhsComplaintPartiesInvolved	2011-09-28 10:56	Create	Email	(b)(6)@rightsworkinggroup.org	22301	User Change
DhsComplaintPartiesInvolved	2011-09-28 10:56	Create	Prefix	Mrs	22301	User Change
DhsComplaintPartiesInvolved	2011-09-28 10:56	Create	First Name	(b)(5)	22301	User Change
DhsComplaintPartiesInvolved	2011-09-28 10:56	Create	Contact Type	Sender	22301	User Change
DhsComplaintPartiesInvolved	2011-09-28 10:56	Create	Other Organization	Rights Working Group	22301	User Change

From: (b)(6)
To: (b)(6)
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 11-12-ICE-0315
Date: Wednesday, October 19, 2011 7:32:55 AM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The Office of Inspector General received the below allegation from the Joint Intake Center on September 21, 2011, and initiated an investigation. Please do not authorize or take any action concerning this matter without first conferring with this office. Discussion of this matter should be limited to persons having an official need-to-know. Any press inquiries regarding this matter should be directed to this office.

If you have any questions concerning this matter, you may contact (b)(6) Deputy Assistant Inspector General for Investigations-Field Operations at 202-(b)(6)

Note: DHS OIG Case # I1101327

From: (b)(6)@dhs.gov]
Sent: Friday, October 07, 2011 11:16 AM
To: (b)(6)
Cc: (b)(6)
Subject: CRCL Complaint Number 11-12-ICE-0315

(b)(6)

Summary of new complaint for your review:

On September 21, 2011, CRCL received email correspondence from Atty. (b)(6) on behalf of (b)(6) alleging that on the morning of August 17, 2011, ICE agents trespassed on his rental property in Wichita, Kansas, without a warrant in order to search for an individual, then when Mr. (b)(6) refused to leave his own property and began to call the police, the two ICE agents then assaulted Mr. (b)(6) and detained him.

The agents are identified as Agent (b)(6),(b)(7)(C) and Agent (b)(6),(b)(7)(C).

Thank you.

(b)(6)

Program Analyst
Compliance Branch

Office for Civil Rights & Civil Liberties
Department of Homeland Security

(b)(6)

From: (b)(6)@immiglaw.net]
Sent: Wednesday, September 21, 2011 1:14 PM
To: CRCL
Cc: (b)(6)@dhs.gov
Subject: CRCL Complaint for (b)(6)
Attachments: (b)(6) CRCLComplaint.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Forwarded within Compliance Branch

Attached hereto is (b)(6) formal CRCL complaint with respect to the conduct of ICE agents who trespassed on his rental property at (b)(6) Wichita, KS 67207, the morning of August 17, 2011. It is our understanding that a DHS internal investigation is being conducted by Mr. (b)(6),(b)(7)(C) Assistant Field Office Director, Chicago District Office, but to date we have not received a resolution of the complaint. Counsel is providing with this complaint, photographs of (b)(6) injuries, audio of his 911 call to local police, and video footage of (b)(6) unlawful arrest and detention (see below). The conduct of the ICE agents involved was not only unlawful and unjustified, but also a violation of (b)(6) civil rights and liberties solely because he refused to cooperate with the agents in their enforcement encounter. As a private citizen, (b)(6) is under no legal obligation to cooperate in any ICE enforcement activity and may not be victimized for refusing to do so. When the ICE agents failed to obtain his consent or the consent of the occupant at (b)(6) Wichita, KS 67207, to enter or remain on the premises on August 17, 2011, the agents were required to leave and obtain a search warrant. It was a clear violation of law and of their own regulations when the agents entered on and remained on (b)(6) private property after they were asked to leave, physically assaulted Mr. (b)(6) causing him injury, unlawfully arrested him causing him and his wife emotional distress, public embarrassment and humiliation, and finally racially profiled his wife solely because she is a U.S. citizen of Hispanic descent.

Counsel and the complainant have been advised that the ICE agents in question unsuccessfully attempted to file a false criminal complaint with the local U.S. Attorney's office while at the private residence the morning of August 17, 2011, claiming that (b)(6) attempted to assault them. Not only does the evidence not support the Agents' false claim, it is now clear that this incident must be elevated not only to resolve the CRCL claim, but to address criminal conduct by federal law enforcement agents empowered to enforce our immigration laws.

Thank you for timely attention,

(b)(6)
Immigration Law Office, Inc.
200 W. Douglas, Suite 600
P.O. Box 49462
Wichita, KS 67202
Tel: 316 (b)(6)
Fax: 316 (b)(6)
E-mail (b)(6)@immiglaw.net

911 Call.wav

VIDEO.3GP

Page1.pdf

Page2.pdf

Page3.pdf

Page4.pdf

Download all



Jacob shared 9 online files with you and they're saved on SkyDrive. These files will be available until 12/19/2011. To view these files, [just click the links above.](#)

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Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① Information about the person who experienced the civil rights/civil liberties violation
(fill in what you can)

Name: (b)(6)
First and Middle Last
Phone #: Cell: (316) (b)(6) Home: (316) (b)(6) Work: _____
Please note that we may contact you at the provided numbers.
Mailing Address: (b)(6) Wichita, KS 67207
PO Box or Street address City State Zip
Date of Birth: (b)(6) Email (optional): (b)(6) @live.com
Alien Registration #: (if you have one and it's available): N/A

☐ Check here if you are in detention now.

Which facility? _____
Facility name Facility address

☒ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information Sandrine Lisk, Esq.; Tel: (316) (b)(6) @immiglaw.net
Immigration Law Office, Inc.
P.O. Box 49462, Wichita, KS 67201

② Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.

Name: _____
First Last Job title
Organization (if any): _____
Phone #: Cell: _____ Home: _____ Work: _____
Mailing Address: _____
PO Box or Street address City State Zip

③ What happened? Describe your complaint. Give as much detail about your experience as possible.

On the morning of August 17, 2011, ICE agents went to my rental property, a private residence at (b)(6) in Wichita, KS, to search for an individual. The ICE agents did not have a judicial warrant, and my brother in law who occupies the home refused to speak to them and called me to the residence. Upon my arrival at the residence, I was confronted in the private driveway by two ICE agents who have now been identified by their supervisors as Agent (b)(6), (b)(7) and Agent (b)(6), (b)(7). The ICE agents identified me immediately as (b)(6) when I exited my car, and asked me to state my business at the residence. I told them that I own the home, and I inquired if they had a warrant to enter the premises. Agent (b)(6) then demanded that I leave if I was not going to cooperate with them. I responded that if anyone had a right to be on the property it was me, and again requested that they leave if they could not show me a warrant or lawful authority to be on my property. Mr. (b)(6) insisted that I leave, and I again informed him that I was the property owner and if they did not leave I would call the police which I proceeded to do. I dialed 911 for police assistance, and while speaking to the 911 operator, both Agent (b)(6) and Agent (b)(6), (b)(7) jumped me from behind knocking me and my cell phone to the ground. Agent (b)(6), (b)(7) and Agent (b)(6), (b)(7) then physically tackled me, hand cuffed me and dragged me from the concrete driveway to the front lawn of the residence where I was detained in plain view of the neighbors and the public. As a result of their actions, I sustained injuries to my back, my shoulder, my chest, my rib cage and my knees. This incident has also caused emotional distress to me and my wife who later arrived at the residence and found me lying on the grass in hand cuffs, as well as public embarrassment and humiliation because I am a born citizen of the United States and a Pastor of my church.

Continue on an additional page, if needed.

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

About 7:00 am on August 17, 2011

Where did this happen?

Place (for example, name the detention facility, airport, other): (b)(6)

City: Wichita

State or Country: KS 67207

④ Who treated you unfairly?

An employee, contractor, or officer of (check as many as apply):

☐ Citizenship and Immigration Services (USCIS)

☐ Customs and Border Protection (CBP)*

☐ Customs Officer

☐ Border Patrol Agent

☐ Federal Emergency Management Agency (FEMA)

☒ Immigration and Customs Enforcement (ICE)

☐ Secret Service (USSS)

☐ Transportation Security Administration (TSA)*

☐ U.S. Coast Guard (USCG)

☐ Other DHS program (specify):

☐ Not sure which DHS office

☐ Non-DHS employee working under the authority of DHS (e.g., 287g officer)
specify: _____

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): (b)(6) Spouse: (b)(6) Attorney; neighbor (b)(6)

Mailing Address: neighbor & State Rep. Joseph Scape; Wichita Police Department; 911 Dispatch

PO Box or Street address

City

State or Country

Zip

Phone No.: _____ Email: _____

Names (or other information, e.g., agency): _____

Mailing Address: _____

PO Box or Street address

City

State or Country

Zip

Phone No.: _____ Email: _____

Continue on an additional page, if needed.

⑥ Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?

☒ Yes: Agency/Office/Court Louis Zamora, DHS Assistant Field Office Director, Enforcement & Removal Operations Date: 08/23/2011
☐ No

If so, has anyone responded to your complaint?

☐ Yes ☒ No

If Yes, describe what has been done to respond to your complaint:

DHS Internal Revenue in progress by (b)(6), (b)(7) DHS Assistant Field Office Director, Enforcement & Removal Operations, Chicago, IL.; Please provide any responses, findings, and the FINAL DETERMINATION OF THIS COMPLAINT TO MY ATTORNEY, (b)(6) Tel: (316) (b)(6) e-mail: (b)(6) @immiglaw.net) Immigration Law Office, P.O. Box 49462, Wichita, KS 67201-9462.

Continue on an additional page, if needed.

⑦ Is there any other information you want us to know about or consider?

I am filing this complaint because as a law abiding citizen of the United States, I have to believe that my own government will protect my rights and liberties. The conduct of the ICE agents in this case was shocking and outrageous. ICE agents had neither the consent of the occupant nor a judicial warrant to enter or search the premises of (b)(6) the morning of August 17, 2011, thus they were required to leave at my request and the request of my attorney, Ms. (b)(6) who spoke to Mr. (b)(6) by telephone. The agents had no authority to violate my personal property rights, and they certainly had no authority to physically assault, arrest and detain me just because I refused to cooperate with them in their investigation. They unlawfully remained on my property after they had been asked to leave, they physically assaulted me causing injury, unlawfully arrested me, and intentionally inflicted emotional distress both to me and my wife; they racially profiled my wife who is also a citizen of the United States of Hispanic descent, and caused me both public humiliation and embarrassment.

Continue on an additional page, if needed.

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: crcl@dhs.gov

Phone: Local: 202-401-1474 or

Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470

Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security

CRCL/Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ To submit this form by email, please save, attach, and send to crcl@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to crcl@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to www.dhs.gov/crcl.

To learn more about the Privacy Act go to the Federal Information Center, www.pueblo.gsa.gov.

You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.

From: (b)(6),(b)(7)(C)
To: (b)(6) CRCL; JOINT INTAKE
Cc:
Subject: RE: CRCL Complaint for (b)(6)
Date: Thursday, September 22, 2011 12:14:39 PM

Good Morning Attorney (b)(6)

I am in possession of the documents that I gathered which I will provide to the Officer assigned to investigate this incident. Should you have any additional questions or concerns I can be reached at 312-(b)(6),(b)(7)(C)

Thanks

(b)(6),(b)(7)(C)

Assistant Field Office Director
Chicago Field Office
312-(b)(6),(b)(7)(C) Direct Line
312-(C) Cell Phone

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From: (b)(6)@immiglaw.net]
Sent: Thursday, September 22, 2011 10:58 AM
To: (b)(6),(b)(7)(C) CRCL; JOINT INTAKE
Cc:
Subject: RE: CRCL Complaint for Jacob Molina

Good Morning (b)(6),(b)(7)(C)

Can we presume that any findings you have made or evidence you obtained relating to this incident will be/has been forwarded to OPR/JIC??

(b)(6)

Immigration Law Office, Inc.
200 W. Douglas, Suite 600
Wichita, KS 67202
Tel: 316-(b)(6)
Fax: 316-
E-mail: (b)(6)@immiglaw.net

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delete this communication and destroy all copies.

-----Original Message-----

From: (b)(6),(b)(7)(C)@dhs.gov]

Sent: Wednesday, September 21, 2011 4:02 PM

To: (b)(6) RCL; JOINT INTAKE

Cc:

Subject: FW: CRCL Complaint for (b)(6)

Importance: High

All,

This is to advise that I am recusing myself and referring this incident to the Office of Professional Responsibility (OPR), Joint Intake Center (JIC). Any questions regarding this email should be directed to my attention.

Thanks

(b)(6),(b)(7)(C)

Assistant Field Office Director

Chicago Field Office

312-(b)(6),(b)(7)(C) Direct Line

312-(b)(6),(b)(7)(C) Cell Phone

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Duplicate



Homeland
Security

October 7, 2011

Via Electronic Mail

(b)(6)
(b)(6)@immiglaw.net

Re: Complaint No. 11-12-ICE-0315 on behalf of Mr. (b)(6)

Dear Atty. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on September 21, 2011. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at crcl@dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to www.dhs.gov/crcl. To learn more about the Privacy Act, go to the Federal Information Center, www.pueblo.gsa.gov.



Homeland
Security

March 19, 2013

Ms. (b)(6)
Depew Gillen Rathbun & McInteer, LC
8301 East 21st Street North Suite 450
Wichita, KS 67206-2936

Email: (b)(6)@depewgillen.com

Re: Complaint No. 11-12-ICE-0315, (b)(6)

Dear Ms. (b)(6)

The Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received your client's complaint dated September 21, 2011, alleging that Immigration and Customs Enforcement (ICE) officers violated (b)(6) civil rights and civil liberties during an attempted enforcement operation at (b)(6) home. We regret the time it took to fully review these matters and sincerely apologize for our delayed response.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against DHS employees and officials concerning violations of civil rights and civil liberties. Following the submission of the complaint, the Office of the Inspector General (OIG) opened the complaint for investigation. The OIG concluded its investigation on October 22, 2012. Following this, CRCL reviewed the OIG investigation, interviewed (b)(6) and his attorney at the time, (b)(6) and reviewed the information that was provided by you and (b)(6).

Based upon our review, CRCL is closing this complaint and will take no further action on this matter. However, CRCL is currently investigating other complaints related to enforcement operations at homes and will continue to monitor such allegations and pursue policy recommendations if warranted.

Protected by Attorney-Client and Deliberative Process Privileges

We thank you for (b)(6) complaint and understand the significance of this issue. Inquiries like his help DHS meet its obligation to protect civil rights and civil liberties. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

(b)(6)

Acting Deputy Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Protected by Attorney-Client and Deliberative Process Privileges

September 12, 2012

TO: File

FROM: (b)(6)
Policy Advisor

RE: ICE-12-ICE-0315, (b)(6) on behalf of (b)(6)

Below is a summary of an interview conducted with (b)(6) complainant in the above-captioned complaint. The interview was conducted on September 12, 2012. Mr. (b)(6) was represented by (b)(6), (b)(7)(C) and is an English speaker.

Mr. (b)(6) provided the following information:

Mr. (b)(6) address is:
(b)(6)
Wichita KN, 67207

On August 17, 2011 in the morning, between 7 and 8am, Mr. (b)(6) received a phone call at his home from his brother-in-law, (b)(6). Mr. (b)(6) told Mr. (b)(6) that there were officials at his home at (b)(6) Wichita, KN 67207, and he believed they were immigration officials. Mr. (b)(6) lives in a home he rents from Mr. (b)(6) who is the home owner. Mr. (b)(6) home is about one mile from Mr. (b)(6) home.

Mr. (b)(6) drove to Mr. (b)(6) home and as he was pulling up, he said two agents or officers approached him. As he was walking up the driveway, one called out to him by his name. He responded that he was Mr. (b)(6) and the agent informed him that he was Agent (b)(6), (b)(7)(C) and the other agent was Agent (b)(6), (b)(7)(C). They were not in uniform, nor did they show him any identification. Mr. (b)(6) said that he thought Agent (b)(6), (b)(7)(C) was wearing a chain around his neck with a badge hanging, but he could not tell what kind of badge it was. Agent (b)(6), (b)(7)(C) went back to the porch of the house and Mr. (b)(6) told agent (b)(6), (b)(7)(C) that they would need to leave if they did not have a search warrant. (b)(6), (b)(7)(C) told him they were conducting an investigation and asked Mr. (b)(6) not to interfere. Mr. (b)(6) asked for identification as they had already identified him. That was not provided. He told (b)(6), (b)(7)(C) that if they did not have a warrant they would have to leave. (b)(6), (b)(7)(C) said if Mr. (b)(6) did not cooperate, he would have to leave. Mr. (b)(6) responded that if anyone has the right to tell anyone to leave, it was him. He stated again, if they did not have a warrant, they would have to leave.

Agent (b)(6), (b)(7)(C) remained on the porch and Mr. (b)(6) told Agent (b)(6), (b)(7)(C) that he would call the police if they did not leave. When they did not leave, he dialed 911. Agent (b)(6), (b)(7)(C) saw that Mr. (b)(6) was on the phone and came down from the porch. Mr. (b)(6) said he took a few steps to go toward the front lawn of the house when the agents jumped him from behind. He said an agent put his hands on Mr. (b)(6) shoulder, grabbed his wrists and put considerable weight on him. They grabbed both arms, pulled them behind his back which caused him to drop his cell phone. He was on the phone with the 911 dispatcher at the time. They proceeded to drag him

from the driveway to the lawn. Agent (b)(6),(b)(7)(C) told him he was under arrest for trying to strike Agent (b)(6),(b)(7)(C). Mr. (b)(6) was handcuffed and he said he felt a knee on his back which caused some pain to his ribcage. He says that all of this can be heard on the 911 dispatch tape.

While this was taking place, Mr. (b)(6) wife, (b)(6) drove up to the house. Agent (b)(6),(b)(7)(C) walked away from her and called someone on his cell phone. Agent (b)(6),(b)(7)(C) started speaking with Mrs. (b)(6). She asked why Mr. (b)(6) was in handcuffs and on the ground. Agent (b)(6),(b)(7)(C) then asked Mr. (b)(6) if he wanted to get up and he said yes. (b)(6),(b)(7)(C) helped him be seated on the ground instead of being facedown as he had previously been.

While Agent (b)(6),(b)(7)(C) was helping Mr. (b)(6) Mrs. (b)(6) contacted their attorney (b)(6). Mrs. (b)(6) then gave the phone to Agent (b)(6),(b)(7)(C) who spoke with Ms. (b)(6). Ms. (b)(6) stated that she asked Agent (b)(6),(b)(7)(C) if he had a warrant. When he said no, she told him that if he did not have consent, he needed to leave. She said Agent (b)(6),(b)(7)(C) hung up the phone on her. Mrs. (b)(6) then called Ms. (b)(6) back and Ms. (b)(6) told her to use the camera on her phone to take video, which she did.

Mr. (b)(6) said that the entire incident was witnessed by neighbors. The home is not in a secluded area and one of the witnesses is a local state representative, Joseph Scapa.

Agent (b)(6),(b)(7)(C) eventually helped Mr. (b)(6) to standing position when his father-in-law also pulled up. At that point, Agent (b)(6),(b)(7)(C) returned with a folder in his hand. He opened it and said they were looking for a (b)(6). Mr. (b)(6) said he did not know who that was. Agent (b)(6),(b)(7)(C) told him he might be harboring illegal aliens. The local police arrived and the agents started speaking to the police. Mr. (b)(6) does not know what the agents said to the police officers, but the officers started speaking aggressively to him. They spoke for a few minutes, the officers left, and the agents released Mr. (b)(6) and left the scene.

Ms. (b)(6) provided information on her interactions with ICE following the August 17, 2011 incident:

2 days later, Ms. (b)(6) met with ICE agents (b)(6),(b)(7)(C) who work in the field office there. She reported what had allegedly occurred at Mr. (b)(6) house. They informed Ms. (b)(6) that the agents had turned in an incident report. They apparently apologized for what had occurred and said they would launch an investigation into what had transpired. They also informed her that Agent (b)(6),(b)(7)(C) contacted the District Attorney's office to obtain a warrant to arrest Mr. (b)(6) stating that he assaulted them. The DA apparently declined the warrant citing that there was no evidence.

Ms. (b)(6) stated that she filed her complaint with CRCL in September. Agent (b)(6),(b)(7)(C) then recused himself from his investigation and forwarded all the evidence he collected to another agency. Ms. (b)(6) thinks this is OIG.

The complaint also alleges racial profiling against Mrs. (b)(6)

Mr. (b)(6) suggested speaking to Mrs. (b)(6) directly. Ms. (b)(6) however, said that when Mrs. (b)(6) pulled up, agent (b)(6), immediately asked her for her papers and asked if she was illegal. She responded that she was a naturalized citizen.

Ms. (b)(6) also had strong reservations against (b)(6) of OIG:

She said she did not believe that Mr. (b)(6) was conducting an investigation. Their first appointment was scheduled and Ms. (b)(6) had arranged for witnesses to be present and people had taken off of work. Mr. (b)(6) arrived in Wichita and called from the airport telling Ms. (b)(6) that he would not make the meeting. He never explained why when asked, and cancelled the meeting.

He scheduled a second appointment, however, Ms. (b)(6) said he never read the complaint, made no notes and treated Mr. (b)(6) as if he was the subject of an investigation. Apparently, he even asked why DHS had sent this complaint to OIG and asked who initiated the request. He asked whether Agent's (b)(6), (b)(7)(C) told Mr. (b)(6) to file a complaint. Ms. (b)(6) said that on the day she met them, she had a complaint with her which she forwarded to them just after their meeting.

She said Mr. (b)(6) made no effort to speak to any of the witnesses that he had been told about. Over this past summer, he tried to schedule another meeting with Mr. (b)(6). She said she was informed that the DOJ declined to prosecute. That was her last communication with OIG or anyone at DHS until CRCL reached out to her.



Homeland Security

To: (b)(6)
From: (b)(6)
Date: March 19, 2013
Complaint Number: 11-12-ICE-0315
Complainant Name(A#): (b)(6)

Finding(s) for Closure without Recommendations - (check all that apply):

☐ Insufficient information to investigate	☐ Allegation(s) substantiated but does not warrant recommendations
☐ Withdrawal of complaint	☐ No finding of detention standards violations
☐ Lack of jurisdiction	☐ No finding of policy or procedure violations
☒ Allegation(s) overtaken by events	☒ Complaint being handled as part of a related complaint (Related)
☐ Component and/or facility has already corrected the problem	☐ Other (provide details):
☐ Allegation(s) against component, individual, and/or facility unfounded	
☐ Allegation(s) against component, individual, and/or facility unsubstantiated	

Reason for Closing:

On September 21, 2011, CRCL received email correspondence from (b)(6) who represented the complainant, (b)(6) at the time, alleging that ICE had violated Mr. (b)(6) civil rights and civil liberties when conducting an enforcement operation at one of his rental properties. (b)(6) is a U.S. Citizen and utilized the services of another attorney, (b)(6) during the investigation of this complaint.

On October 19, 2011, the OIG opened its own investigation into the allegations and concluded its investigation on October 22, 2012. The OIG provided CRCL with its Report of Investigation (ROI) on August 12, 2013. The ROI does not substantiate the allegations made by (b)(6) nor was the matter recommended for prosecution. CRCL reviewed the OIG investigation, interviewed (b)(6) and his then attorney, (b)(6) and reviewed the exhibits provided by (b)(6)

CRCL has received several other complaints related to ERO enforcement operations conducted at homes and anticipates recommendations will stem from those complaints. Based on the lack of findings in this case, I recommend CRCL close this complaint.

Special Circumstances

Recommend Office of General Counsel (OGC) Review (Y/N)

If Yes- provide a brief explanation

Protected by the Deliberative Process Privilege

Suggested Closure Method(s) (*check all that apply*):

☒ Close Letter to Complainant ☐ Phone call (a description of which is documented in Writing) ☐ No notification necessary ☐ Other (provide details)	☒ Close email/memo to component ☐ High level component communication ☐ Close memo (No contact information)
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Supporting Documents Attached:

For Completion by Reviewer:

Closure Recommendation Accepted ☒

Not Accepted ☐

(b)(6)

Protected by the Deliberative Process Privilege

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-1167 11-12-ICE-0315 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-10-06 09:02	Create	Entry Date	10/06/2011	7949	(b)(6)	User Change
DhsComplaint	2011-10-06 09:02	Create	Method of Receipt	Email	7949		User Change
DhsComplaint	2011-10-06 09:02	Create	Sender Type	NGO/Organization	7949		User Change
DhsComplaint	2011-10-06 09:02	Create	Date on Correspondence	09/21/2011	7949		User Change
DhsComplaint	2011-10-06 09:02	Create	Date to DHS	09/21/2011	7949		User Change
DhsComplaint	2011-10-06 09:02	Create	Date to CRCL	09/21/2011	7949		User Change
DhsComplaint	2011-10-06 09:02	Create	Days to Process	15	7949		User Change
DhsComplaint	2011-10-06 09:02	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7949		User Change
DhsComplaint	2011-10-06 09:02	Create	Executive Summary	On September 21, 2011, CRCL received email correspondence from Atty. (b)(6) on behalf of Mr. (b)(6) alleging that on the morning of August 17, 2011, ICE agents trespassed on his rental property in Wichita, Kansas, without a warrant in order	7949		User Change
DhsComplaint	2011-10-06 09:02	Create	Summary	On September 21, 2011, CRCL received email correspondence from Atty. (b)(6) on behalf of Mr. (b)(6) alleging that on the morning of August 17, 2011, ICE agents trespassed on his rental property in Wichita, Kansas, without a warrant in order	7949		User Change
DhsComplaint	2011-10-06 09:02	Create	Component Referenced	ICE	7949	(b)(6)	User Change
DhsComplaintAction	2011-10-07 11:15	Create	Action Date	10/06/2011	106173		User Change
				On October 6, 2011, Jeffrey Blumberg, Director,			

DhsComplaintAction	2011-10-07 11:15	Create	Comments	Compliance Branch, directed that this matter be opened as a complaint, and recommended that it be handled as a short form Complaint.	106173	(b)(6)	User Change
DhsComplaintAction	2011-10-07 11:15	Create	Action	Open a Complaint	106173		User Change
DhsComplaintAction	2011-10-07 11:16	Update	Comments	On October 6, 2011, Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it be handled as a short form Complaint. (b)(5)	106173		User Change
DhsComplaintAction	2011-10-07 11:20	Create	Document	9.21.2011 11-12-ICE-0315 (email).pdf	106174		User Change
DhsComplaintAction	2011-10-07 11:20	Create	Action Date	10/07/2011	106174		User Change
DhsComplaintAction	2011-10-07 11:20	Create	Action	Acknowledgement Letter Sent	106174		User Change
DhsComplaintAction	2011-10-07 11:22	Create	Action Date	10/07/2011	106175		User Change
DhsComplaintAction	2011-10-07 11:22	Create	Action	Sent to IG	106175		User Change
DhsComplaintAction	2011-10-25 09:56	Create	Action	IG Keeps	106258		User Change
DhsComplaintAction	2011-10-25 09:56	Create	Document	11-12-ICE-0315 (OIG Response 10.19.2011)_IG Keep.pdf	106258		User Change
DhsComplaintAction	2011-10-25 09:56	Create	Action Date	10/19/2011	106258		User Change
DhsComplaintAction	2012-04-27 09:59	Update	Primary Assignment	(b)(6)	106898		User Change
DhsComplaintAction	2012-05-01 12:15	Update	Action Date	10/18/2011	106898		User Change
DhsComplaintAction	2012-07-24 10:03	Update	Primary Assignment	(b)(6)	106898		User Change
DhsComplaintAction	2013-08-12 11:39	Create	Action	IG Return To CRCL For Review	111145		User Change
DhsComplaintAction	2013-08-12 11:39	Create	Action Date	08/12/2013	111145		User Change
DhsComplaintAction	2014-03-19	Create	Action	IG Retained in CRCL	112796		User Change

	17:31					(b)(6)	
DhsComplaintAction	2014-03-19 17:31	Create	Action Date	10/22/2012	112796		User Change
DhsComplaintAction	2014-03-19 17:32	Delete			112796		User Change
DhsComplaintAction	2014-03-19 17:33	Create	Action	Notes	112798		User Change
DhsComplaintAction	2014-03-19 17:33	Create	Action Date	08/19/2013	112798		User Change
DhsComplaintAction	2014-03-19 17:33	Create	Comments	CRCL received the OIG report and began to conclude its investigation.	112798		User Change
DhsComplaintAction	2014-03-19 17:43	Create	Action	IG Short Form	112799		User Change
DhsComplaintAction	2014-03-19 17:43	Create	Action Date	03/19/2014	112799		User Change
DhsComplaintAction	2014-03-19 17:48	Create	Reporting Summary	On September 21, 2011, CRCL received an emailed complaint alleging that ICE had violated the complainant's civil rights and civil liberties during an enforcement operation at one of his rental properties. The DHS OIG opened its own investigation into thi	112800		User Change
DhsComplaintAction	2014-03-19 17:48	Create	Action	Closed - IG Short Form/No Further Action	112800		User Change
DhsComplaintAction	2014-03-19 17:48	Create	Action Date	03/19/2014	112800		User Change
DhsComplaintAction	2014-03-19 17:48	Create	Internal Summary	On September 21, 2011, CRCL received email correspondence from (b)(6) who represented the complainant, (b)(6) at the time, alleging that ICE had violated (b)(6) civil rights and civil liberties when conducting an enforcement operation	112800		User Change
DhsComplaintDocument	2011-10-06 09:16	Update	Document 2	9 22 2011 (b)(6) complainant emails with ICE.pdf	85242		User Change
DhsComplaintDocument	2014-03-19 17:26	Create	Comments	OIG report	93816		User Change
DhsComplaintDocument	2014-03-19 17:26	Create	Document Type	Investigative Material	93816		User Change
	2014-			OIG ROI I11-ICE-DAL-			User

DhsComplaintDocument	03-19 17:26	Create	Document 1	01327.pdf	93816	(b)(6)	Change
DhsComplaintDocument	2014- 03-19 17:26	Create	Foreign Language	No	93816		User Change
DhsComplaintDocument	2014- 03-19 17:26	Create	Dateentered	03/19/2014	93816		User Change
DhsComplaintDocument	2014- 03-19 17:27	Create	Document Type	Closed Letter	93817		User Change
DhsComplaintDocument	2014- 03-19 17:27	Create	Document 1	Close Letter - Complaint No 11-12-ICE-0315.pdf	93817		User Change
DhsComplaintDocument	2014- 03-19 17:27	Create	Foreign Language	No	93817		User Change
DhsComplaintDocument	2014- 03-19 17:27	Create	Dateentered	03/19/2014	93817		User Change
DhsComplaintDocument	2014- 03-19 17:28	Delete			93816		User Change
DhsComplaintDocument	2014- 03-19 17:29	Create	Document Type	Final Report	93818		User Change
DhsComplaintDocument	2014- 03-19 17:29	Create	Document 1	SF Close Memo Complaint No 11-12-ICE- 0315.pdf	93818		User Change
DhsComplaintDocument	2014- 03-19 17:29	Create	Foreign Language	No	93818		User Change
DhsComplaintDocument	2014- 03-19 17:29	Create	Dateentered	03/19/2014	93818		User Change
DhsComplaintDocument	2013- 04-25 13:31	Create	Document Type	Investigative Material	90480		User Change
DhsComplaintDocument	2013- 04-25 13:31	Create	Foreign Language	No	90480		User Change
DhsComplaintDocument	2013- 04-25 13:31	Create	Dateentered	04/25/2013	90480		User Change
DhsComplaintDocument	2013- 04-25 13:31	Create	Document 1	DRAFT Meeting notes with (b)(6) 9-12- 12.docx	90480		User Change
DhsComplaintDocument	2013- 04-25 13:31	Create	Document 2	OIG ROI I11-ICE-DAL- 01327.pdf	90480		User Change
DhsComplaintDocument	2013- 05-01 13:17	Create	Document Type	Investigative Material	90538		User Change
DhsComplaintDocument	2013- 05-01 13:17	Create	Foreign Language	No	90538		User Change
DhsComplaintDocument	2013- 05-01 13:17	Create	Document 3	IMG00329-20110817- 1008.jpg	90538		User Change
	2013-						

DhsComplaintDocument	05-01 13:17	Create	Document 1	911 CALL.wav	90538	(b)(6)	User Change
DhsComplaintDocument	2013- 05-01 13:17	Create	Dateentered	05/01/2013	90538		User Change
DhsComplaintDocument	2013- 05-01 13:17	Create	Document 4	IMG01168-20110817- 0814.jpg	90538		User Change
DhsComplaintDocument	2013- 05-01 13:17	Create	Document 2	IMG00328-20110817- 1008.jpg	90538		User Change
DhsComplaintDocument	2013- 05-01 13:17	Create	Document 5	IMG01169-20110817- 1023.jpg	90538		User Change
DhsComplaintDocument	2013- 05-01 13:17	Create	Document Type	Investigative Material	90539		User Change
DhsComplaintDocument	2013- 05-01 13:17	Create	Foreign Language	No	90539		User Change
DhsComplaintDocument	2013- 05-01 13:17	Create	Document 3	IMG01172-20110817- 2356.jpg	90539		User Change
DhsComplaintDocument	2013- 05-01 13:17	Create	Document 1	IMG01170-20110817- 1023.jpg	90539		User Change
DhsComplaintDocument	2013- 05-01 13:17	Create	Dateentered	05/01/2013	90539		User Change
DhsComplaintDocument	2013- 05-01 13:17	Create	Document 4	IMG01177-20110823- 1049.jpg	90539		User Change
DhsComplaintDocument	2013- 05-01 13:17	Create	Document 2	IMG01171-20110817- 2355.jpg	90539		User Change
DhsComplaintDocument	2013- 05-01 13:17	Create	Document 5	IMG01178-20110823- 1049.jpg	90539		User Change
DhsComplaintDocument	2013- 05-01 13:18	Create	Document Type	Investigative Material	90540		User Change
DhsComplaintDocument	2013- 05-01 13:18	Create	Foreign Language	No	90540		User Change
DhsComplaintDocument	2013- 05-01 13:18	Create	Document 1	IMG01179-20110823- 1049.jpg	90540		User Change
DhsComplaintDocument	2013- 05-01 13:18	Create	Dateentered	05/01/2013	90540		User Change
DhsComplaintDocument	2011- 10-06 09:06	Create	Dateentered	10/06/2011	85242		User Change
DhsComplaintDocument	2011- 10-06 09:06	Create	Document Type	Incoming Letter	85242		User Change
DhsComplaintDocument	2011- 10-06 09:06	Create	Foreign Language	No	85242		User Change
	2011-						

DhsComplaintDocument	10-06 09:06	Create	Document 1	9 21 2011 (b)(6) pdf	85242	(b)(6)	User Change
DhsComplaintIssue	2011- 10-06 09:17	Create	(b)(5)	(b)(5)	13184		User Change
DhsComplaintIssue	2011- 10-06 09:17	Create	Ongoing	No	13184		User Change
DhsComplaintIssue	2011- 10-06 09:17	Create	State	Kansas - KS	13184		User Change
DhsComplaintIssue	2011- 10-06 09:17	Create	City	Wichita	13184		User Change
DhsComplaintIssue	2011- 10-06 09:17	Create	Redirect to Subject	No	13184		User Change
DhsComplaintIssue	2011- 10-06 09:17	Create	Incident Date	08/17/2011	13184		User Change
DhsComplaintIssue	2011- 10-06 09:17	Create	Primary Issue	Yes	13184		User Change
DhsComplaintIssue	2011- 10-06 09:17	Create	Situation	DHS law enforcement activity	13184		User Change
DhsComplaintIssue	2011- 10-06 09:17	Create	Incident Location Type	Residence	13184		User Change
DhsComplaintPartiesInvolved	2011- 10-06 09:08	Create	Address Line 1	200 W. Douglas, Suite 600	22328		User Change
DhsComplaintPartiesInvolved	2011- 10-06 09:08	Create	First Name	(b)(6)	22328		User Change
DhsComplaintPartiesInvolved	2011- 10-06 09:08	Create	Contact Type	Sender	22328		User Change
DhsComplaintPartiesInvolved	2011- 10-06 09:08	Create	State	Kansas - KS	22328		User Change
DhsComplaintPartiesInvolved	2011- 10-06 09:08	Create	Email	(b)(6) @immiglaw.net	22328		User Change
DhsComplaintPartiesInvolved	2011- 10-06 09:08	Create	Organization	Other	22328		User Change
DhsComplaintPartiesInvolved	2011- 10-06 09:08	Create	Last Name	(b)(6)	22328		User Change
DhsComplaintPartiesInvolved	2011- 10-06 09:08	Create	Zip Code	67202	22328		User Change
DhsComplaintPartiesInvolved	2011- 10-06 09:08	Create	City	Wichita	22328		User Change
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	2011-						

DhsComplaintPartiesInvolved	10-06 09:08	Create	Phone	316- (b)(6)	22328	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 10-06 09:08	Create	Address Line 2	(b)(6)	22328	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 10-06 09:08	Create	Other Organization	Immigration Law Office, Inc.	22328	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 10-06 09:11	Create	Address Line 1	(b)(6)	22329	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 10-06 09:11	Create	First Name	(b)(6)	22329	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 10-06 09:11	Create	Contact Type	On Behalf Of	22329	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 10-06 09:11	Create	State	Kansas - KS	22329	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 10-06 09:11	Create	Email	(b)(6) @live.com	22329	(b)(6)	User Change
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12/16/2011

SPLC Urges DHS to End Raids Terrorizing Latino Communities in North Alabama

The Southern Poverty Law Center (SPLC) urged the Department of Homeland Security today to end raids by federal immigration agents that have terrorized north Alabama families and that undermine federal efforts to protect the civil rights of the state's Latino community in the wake of the state's harsh new anti-immigrant law.

The letter was sent to Homeland Security Secretary Janet Napolitano after the SPLC learned of raids at apartment complexes and mobile home parks in Fort Payne and Collinsville in recent days. Armed Immigration and Customs Enforcement (ICE) agents entered homes without permission and even interrogated young children about their parents' whereabouts.

The letter asks Napolitano to stop the raids and conduct an investigation into civil rights violations that may have taken place. It also notes that the raids undermined efforts by several federal agencies to protect the Latino community from civil rights violations resulting from the state's anti-immigrant law, HB 56. The letter highlights Napolitano's recent statement that the Department of Homeland Security will not assist the state in enforcing HB 56.

"Alabama's Latino community has already been devastated by HB 56, and many Latinos who have not left the state are living in terror," said SPLC Legal Director Mary Bauer. "These raids profoundly undermine the federal government's substantial efforts to reassure people that they still have civil rights and that the federal government is committed to protecting them. They are terrorizing a community already living in fear and chaos."

The SPLC learned that during the raids agents engaged in disturbing and illegal conduct, including threatening to arrest children who are U.S. citizens if they did not reveal their parents' whereabouts. Though it appears that the agents were looking for specific individuals, they arrested many others who happened to be in the vicinity.

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The raids came after several federal agencies, including the departments of Education and Labor, took steps to reassure the state's Latino community that the government will be vigilant in protecting their civil rights. The Department of Justice is challenging the law in federal court, as is the SPLC and a coalition of civil rights groups.

"These raids are a stark reminder that the failure of our nation to pass comprehensive immigration reform has devastating repercussions that rip apart communities and push immigrants deeper into the shadows," said Dan Werner, the SPLC's deputy legal director.

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December 16, 2011

The Honorable Janet Napolitano
United States Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano:

I write to express my profound concern about an enforcement action conducted by the Immigration and Customs Enforcement (“ICE”) last weekend in Alabama. Armed ICE agents went to trailer parks and apartment complexes in Fort Payne and Collinsville, entering homes without permission and terrorizing families. Children—citizens and non-citizens alike—were traumatized. In more than one case, ICE agents interrogated young children about the whereabouts of their parents.

Alabama’s Latino community has been devastated by Alabama’s extraordinarily harsh anti-immigrant law, known as HB56. In the aftermath of that law taking effect, the federal government has devoted significant resources to reassuring the Latino community that it is dedicated to protecting Alabamian’s civil rights. The Department of Justice has sued to block the law and has stated that it believes the law to be unconstitutional. Tom Perez, chief of the Civil Rights Division of the Department of Justice, has repeatedly visited Alabama and met with community leaders to hear their stories and has promised to actively oppose HB56. Similarly, high-level officials from other agencies, including the Departments of Education and Labor, have visited Alabama and have offered reassuring words about their commitment to protect the rights of individuals in this state. You have stated that the Department of Homeland Security will not help Alabama implement this law.

We believe that this series of ICE raids has profoundly undermined the efforts of other federal agencies to reassure the Latino community in Alabama that the federal government seeks to protect the civil rights of all persons. Home raids are a particularly destructive means of conducting enforcement actions; they terrorize communities and are particularly frightening to children, who are forced to watch family members arrested and detained. The family members who have been left behind are afraid to be in their own homes and to live in this community. They have been driven even further underground. The reports we’ve heard from the people who witnessed the raids suggest that agents engaged in disturbing and illegal conduct—including threatening to arrest U.S. citizen children if those children did not disclose the whereabouts of their parents. Although the agents appeared to be looking for a few specific individuals, they went far beyond what was necessary to locate those persons, and arrested many others who simply happened to

be in the vicinity. That ICE took this action just before Christmas in this already decimated community is heart wrenching.

We call upon you to cease these kinds of enforcement actions in this state. We also call upon you to conduct a thorough investigation of the civil rights violations that may have taken place in the course of these raids. We once again ask that you to visit Alabama and to meet with people who live here to hear their stories.

We would appreciate the opportunity to meet with you to discuss these issues.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mary Bauer', with a long horizontal flourish extending to the right.

Mary Bauer
Legal Director

From: (b)(6)
To: (b)(6)
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 12-03-ICE-0037
Date: Tuesday, December 20, 2011 9:00:03 AM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@HQ.DHS.GOV]
Sent: Monday, December 19, 2011 3:16 PM
To: (b)(6)
Cc: (b)(6)
Subject: CRCL Complaint Number 12-03-ICE-0037

(b)(6)

Summary of new complaint for your review:

On December 19, 2011, CRCL internal staff received a news article titled, "SPLC Urges DHS to End Raids Terrorizing Latino Communities in North Alabama", dated December 16, 2011 on the Southern Poverty Law Center (SPLC) website. The website's news article is accompanied by a letter from Legal Director Mary Bauer of SPLC addressed to DHS Secretary Janet Napolitano, dated December 16, 2011, alleging that Immigration and Customs Enforcement (ICE) agents last weekend in Alabama went to trailer parks and apartment complexes in Fort Payne and Collinsville, entering homes without permission, interrogating children about their parents' whereabouts.

SPLC expressed concern that enactment of HB56, ICE's series raids in Alabama has profoundly undermined federal agencies efforts to reassure the Latino community in Alabama that the federal government seeks to protect the civil rights of all persons.

Thank you

(b)(6)

Program Analyst
Compliance Branch
Office for Civil Rights & Civil Liberties
Department of Homeland Security

January 5, 2012

MEMORANDUM FOR: File

FROM:

(b)(6)
Policy Advisor

SUBJECT: Alabama ICE Action – detainee interviews in Louisiana

This memo provides a summary of all the detainee interviews CRCL engaged in at the La Salle Detention center on December 29, 2011. Seven detainees were interviewed by ICE OPR and CRCL. Two attorneys from the Southern Poverty Law Center (SPLC), who represents the detainees, were present as well.

Background:

ICE conducted an enforcement action in Fort Payne and Collinsville Alabama from December 9 – December 11, 2011. ICE had a list of individuals, ICE fugitives only, that agents were looking for. ICE also apprehended other individuals who were unable to produce documentation. 19 persons were apprehended during the enforcement action.

The SPLC sent a letter to the Secretary on December 16, 2011 alleging that ICE agents engaged in “disturbing and illegal conduct,” and interrogated children demanding the whereabouts of their parents. Finally, the letter calls on DHS to investigate the action to determine if civil rights violations took place. CRCL opened the matter as a complaint.

Prior to traveling to Louisiana, a CRCL policy advisor and investigator went through the I-213 narratives that had been provided by ICE for all of the people detained during the operation in Alabama. From the narratives we could determine who had and had not been listed. The majority of the I-213 narratives state that consent was given to enter by a particular person. In other instances, individuals were arrested outside of their homes or at a work place.

The Interviews:

The interviews took place in an empty courtroom in the La Salle Detention Center, in the designated ICE portion of the center. This was not an ideal location as the setting could have felt intimidating to the detainees. None of the detainees spoke English and we utilized the services of phone interpreters who spoke Spanish, Acateco, and Q’anjoba’l. CRCL arranged for phone interpreters to be available. It is important to note that the OPR investigators did not understand that detainees would speak another language besides Spanish and suggested bringing a Spanish speaking agent to interviews.

The majority of the detainees were arrested in or just outside of their homes. All were taken to Chattanooga for additional processing, however, some stayed with agents for longer periods of time while those agents searched for other people. Some state that they and their family

members were told that ICE would take them for a few hours just to run some fingerprints and then they would be returned.

General themes that came up in the interviews fell into the following categories: consent to enter, language access, physical injuries, potential ICE mistreatment, and children's issues. All of the detainees stated that ICE agents entered their homes and all of the detainees stated that consent was never provided. In most instances, the detainees described how ICE agents followed detainees or family members into homes and searched those homes without consent.

From a language access standpoint, detainees spoke Spanish, Acateco, Q'anjoba'l. They stated that some ICE officers spoke a few Spanish words during encounters, but the majority spoke only English. Detainees indicated that they did not understand all that the agents were saying. They also stated that the agents did not identify themselves as ICE agents, but their clothing, particularly their jackets, said ICE on them.

Detainees indicated they experienced hand and back pain from the handcuffs. Two detainees interviewed, however, indicated they were injured in the encounters with ICE. One was arrested outside his home and stated he was thrown down to the ground and hit his face on a piece of wood. Another stated that his arm/shoulder had been twisted when the handcuffs were placed on him. He still suffered shoulder pain 2 weeks later during the interview.

Three detainees stated that one of the agents involved in the enforcement action had mistreated them when they arrived to Chattanooga. An ICE agent had said they would get food and stopped at a McDonalds on the way to Chattanooga. At the Chattanooga station, an agent allegedly threw a hamburger at some of the detainees who inquired about food. They were handcuffed and the burger was thrown on the ground and they were unable to get to it. Two of the three detainees stated that they felt like they were being treated like dogs at that point.

One detainee stated that his daughter and cousin's daughter who lived in his home were very scared when ICE agents came into his home. They began to cry and went to hide under their beds. An ICE agent apparently shined a flashlight under the bed searching for them. Another detainee, throughout his interview, said that his children were not questioned during the ICE encounter. Following the interview, however, his attorneys stated that a very different story had been provided to them where this individual said his daughter had been terrorized by ICE agents who threatened to arrest her. SPLC said that the detainee was nervous and scared and probably did not want to provide that information. They further said they would work to obtain more information about that allegation.

Below are summaries of the interviews:

(b)(6)

Date of Birth: (b)(6)

Language: Spanish, does not speak English

The address listed, is that your permanent address? - Yes, I was living there.

Who lives at (b)(6) – I have no idea.

Who else lives there with you at that residence? – My sister, my brother-in-law, and myself only.

That is it? – Yes.

When you spoke with the officers, did they speak in your native language? – No, they only spoke to me in English.

Did anyone speak Spanish? – No they didn't.

No one spoke Spanish to you that day? – No.

How did you communicate with them? – I was outside of the house when they arrived.

Does anyone else in the residence speak English? – No, at that time I was home alone.

Outside of the residence? – Yes.

What time of the day was this? – Between 10 and 11am.

Do you remember the names of the officers you encountered? – No.

What happened that day when they came? – I was cleaning my car on the outside patio area and when I was cleaning a unit, a closed pickup arrived. It was some type of Blazer or Explorer, that truck arrived. A person got out of the truck and asked me about someone; I didn't know whom they were talking about. He didn't show me a photo, just asked me about them. He asked if anyone else was in my house and I said there wasn't. They asked if I had documents and I didn't, so I went inside the house to get it and gave it to him. At that moment there were other officials or officers. I gave him the document and he placed a phone call, and then he put the handcuffs on my hands.

After the call? – Exactly.

Were the handcuffs placed in the front or back? – In the front.

Were there any other kinds of restraints on you? – No, at that moment only the handcuffs.

Did they tell you why you were being arrested? – No no, they had not told me why I was arrested yet.

Then what happened? - The officer went inside the house, the dwelling.

Which officer? – I don't remember his name, but how he looked. He had no hair, or a little bit of hair and was wearing glasses.

If we showed you a picture, could you point him out? – I imagine I could, but I don't recall very well.

What color was the car? – It was a black car.

Was it a car, a truck, a blazer? – The guy that arrested me, it looked like he came out of a blazer or explorer; when they went into the house, there was another car.

How many people went into the house? – Only he went into the house.

How long was he in the house for? – Approximately around 10 minutes.

Did he bring anything out of the house? – No, I didn't see him bring anything out.

What kind of car did he get into? – It was a black car, yes a vehicle.

Did they ask permission to enter your home? – No, no no. They didn't ask me. Once I was handcuffed he went in.

No one else was home? – I was just there by myself.

Did anyone tell you they would enter? – No.

You were arrested in the front yard, right? – That's right.

Did anyone witness the officers arresting you? – There was no one inside my house but the unit (car) had two other persons in there.

No neighbors or friends? – No.

Do you feel like you were mistreated by the officers? – Not exactly. There were 2 officers, one in front and the other took me by the arm and walked me to where the truck was parked, pulling me by my arm. At that moment, I wasn't running and he was pulling me. I was not a delinquent. I told them not to pull like that and he said okay.

Did anyone curse at you or threaten you? – No sir.

Were you injured? – No.

Did you see anyone get injured that day? – No.

You saw two other arrestees in the vehicle, right? – Yes, as a matter of fact, I was their companion when I went into the vehicle.

All three of you were in the vehicle together? – No, we weren't together when they had me go into the vehicle.

Were they in another vehicle? – No they were already arrested when I came into the vehicle. I saw they were my companions because when I got into the vehicle, then we were in the same situation.

Is there anything else you wish to add or say? – I wasn't doing anything wrong, I was just washing my car, that's it.

CRCL questions:

How many officers were there total? – 3 officers.

Did they identify themselves to you? – At that time they didn't identify themselves, they just asked me if I knew the name of the persons they were looking for.

Who did you think they were? – At that moment, I didn't know, I didn't know what car was pulling up. The vehicle looked like a private car, I didn't know what it was all about. He showed me a folder and had a firearm and I realized they were authority; not until later did I realize they were immigration.

How long were they there for? – approximately 25 minutes.

When did you find out they were immigration? – the back part of their jacket said ICE.

Do you know what ICE stands for? – On the news I know it's immigration, I don't know what it stands for.

When you went inside to get your documents, did anyone go with you? – No, I asked them to wait, they didn't ask to come with me.

(b)(6)

Date of birth: (b)(6)

Were you arrested at the location listed? – Correct.

Is that your permanent residence? – Correct.

Who else lives with you at that residence? – My wife, my son, my daughter-in-law, and my granddaughter live there.

Were any of those people there that day? – Only my wife.

Did the officers speak in your native language? – They spoke to me in two languages.

What were they? – Spanish and English.

Do you understand English? – A little bit.

Did you understand what the officers were saying that day? – Well they spoke to me a lot, but only a little bit was in Spanish, not much.

Do you remember the names of the officers? – No, none of them identified themselves to me.

How many officers were there? – 4.

What types of vehicles were they driving? – A van, a ford a van.

There were 2 vehicles? – There were 4.

Did they identify themselves? – No, not at any moment.

What were they wearing? – A black uniform.

Did they have jackets? – Yes, the jackets.

Were there letters or numbers of them? – They took the jackets off later and it said ICE on the back.

What time did they come? – 6:30am.

What happened when they arrived? - (Detainee begins to cry)

How about I ask you questions and we'll do it that way? – Yes.

Where were you when they arrived? – I was in my house.

Who was with you? – My wife, she was getting ready to go to work.

What about the other family members? – My son was working, the night before my daughter-in-law went to her mothers with her daughter.

So it was just you and your wife? – Yes.

Did the officers knock? – No, my wife was going to work and about 15 minutes before she was leaving I went outside to start her truck. There was no one outside when I went out. She said goodbye to me and was going to work.

So your wife was outside? – She was leaving when the officers came. They blocked her exit so she couldn't leave.

Then what happened? - My wife told me they obligated her to open the door. They didn't knock, they told her to open the door.

So your wife opened the door? - She knocked for me.

You answered it? - Yes, I was sitting watching TV when she knocked.

What happened after you answered the door? - I said what happened, did you forget something? She said no, but there's police out here. "didn't know who they were but they wanted to speak to you." At that moment, they came into the house. At no moment did they tell me the reason to go in.

Where were the officers when you answered the door? - The officers were with her when I answered. They were at the steps of the door entrance.

Who went in first? - The officer went in, I don't know which one, he was short in height, he was like their boss.

Where was your wife? - She came in first and then they came in right after her.

Does your wife speak English? - No.

How many officers entered your home? - 4 went in.

4 and your wife? - Exactly.

What happened after they entered? - They called me by my name and I said yes, that's me. Then they said there was an arrest order, a warrant for me. I said okay, I asked for what reason. He said to me, they're going to take my fingerprints at a place in Chattanooga and I said okay, give me a chance to put my pants on and shoes because I was in my sleeping clothing.

Did you do that? - No, I walked to my bedroom and they said no, I was fine like that.

Did they put handcuffs on you then? - When I tried to grab my shoes they threw me to the ground, to the floor.

Then what happened? - They twisted my arm, my arm still hurts, my left arm. The shoulder.

Then they put the handcuffs on? - Yes they did, 3 or 4 of them went on me and I think they thought I was going to resist arrest and they put their foot on my back.

All four of them? - 4 of them, including a woman with them.

So 5 people then? - 3 of them and the woman make 4.

Your wife witnessed this? – She went in, but she was out in the living room. She saw me arrested and thrown on the floor.

So you were arrested in the living room or in the bedroom? – In the bedroom.

Did you tell the officers you were hurt? – One of them, but he started laughing when I told him.

Do you remember his name or what he looks like? – He was Afro-American, he's tall, a little bit heavy, he had a beard.

Was your wife arrested? – No, she identified herself with them.

Did you seek any medical attention for your arm? – In Louisiana, after three days when I arrived I was asked if I wanted to go to the doctor. She gave me pain pills here in Louisiana at this place.

When did you report the injury? – Last week, I said my shoulder hurt but I didn't tell her what the reason was.

She gave you aspirin? – Hmm, yes.

Did you tell anyone after you were arrested that you were injured the day you were arrested? – No I didn't tell anyone. I was ashamed that they might laugh that I was mistreated, but I did tell the officer that day, only one officer.

Any other injuries? – No.

What time did the officers come there? – 6:30am.

And what time did they leave? – Around 7am or 7:10am, more or less.

That's when they took you away? – Exactly.

To Chattanooga? - No, they looked for more people and then eventually we went to Chattanooga.

Did you tell anyone in Chattanooga about your injury? – No.

Was your wife injured? – No, only emotionally. She has the beginnings of diabetes and her blood pressure is bad.

Did your wife give permission for the officers to enter? – No.

Did you hear the officers ask if they could enter? – No they were outside, but my wife told me what happened.

Did the officers ask your wife if they could enter? – No, they just said they were looking for me. They went in without asking her to go in, but she opened the door first and they came in.

When your wife knocked, where were you? – I was in the living room and then I answered. And then my wife came in with the officers. I told them I would get dressed and put some pants and shoes on. I was in there and they told me not to put clothes on.

Did the officers ask you if they could enter? – No.

Do you know who Officer (b)(6),(b)(7)
(C) is? – No.

He didn't ask you if he could enter? – No, none of them asked me if they could go in.

CRCL questions:

When they came, who did you think they were? – I didn't have any problems with the police. On the back of their shirts it said ICE. They took off their jackets when they came into the residence.

Was there any local law enforcement involved? – No.

You said that after you were arrested you went with the officers to arrest others? – Yes, they took me with them to arrests other persons. 2 more people. I don't know them, I just went with them.

Do you have anything else you would like to say? – The treatment they gave me, I don't think it was just. When we left Fort Payne Alabama, we only had one meal in Chattanooga and we had not eaten anything. Around noon when we left for Chattanooga, he approached a fast food store and got hamburgers for us, but then he went to check fingerprints he said okay and had the food at his desk and the food he took for us he threw at my head and left it there on the floor. The boss officer did that, he was there when I was arrested.

He had us locked up there and placed 2 pairs of cuffs on my hands and then my feet with a chain. I was in that manner in Chattanooga too.

OPR questions:

They put handcuffs on you at the house though? – There were handcuffs inside and on my feet once we got outside and the chain was placed on my waist. They rest they did outside when they were going to put me in the van.

With the burgers he threw them at us, but I couldn't get to it because I was handcuffed. When it came to my face, I moved and it came to the floor. And I said I'm not hungry and I told him why don't you eat it? He shrugged and laughed.

Some officer said I had a right to a phone call. Since my wife had just changed her number, I didn't know her number. I asked the officer to give me the number because my wife had given it to him. He said he didn't have it.

Another officer asked if I wanted a phone call, and I said yes. He was a better person, I told him I didn't have the number and to please ask the other officer for it. He went to look for it and gave me my wife's number.

Are you getting meals here in this facility? – Yes.

Are you getting medication? – For gastritis, yes.

If there are problems in this jail, tell (b)(6) (the attorney) and she'll tell me.

(b)(6)

Date of Birth: (b)(6)

Arrested at (b)(6)

Is that your permanent address, where you live? – Yes.

Who else lives there with you? – My wife, my 3 children and my wife's three children.

So there are 8 of you all together? – Yes. 2 children aren't there for one week a month.

You were arrested on December 9, 2011? – Yes.

What time? – At 7:15am.

Did the officers speak to you in your native language? – No.

Did they try to speak any Spanish? – No.

Do you understand English? – A little bit.

How many officers were there? – 2 arrived, but there was another truck on the other side of the house.

How many officers did you see? – 2.

When they approached you, what were they wearing? – Khaki pants and the ICE vest.

Did they identify themselves? – No.

But you saw the ICE vests? – Yes.

Do you remember the names of the officers? – No, they didn't tell me their names.

What happened that morning? – I sent my kids off to school at 7:30am and went to turn on my car. I went in and came out at 7:50am to take the other kids to school. I got in the car when they arrived. I was inside the car and still sitting in the driveway.

The officers walked up to you? – Yes.

Then what happened? – They asked if I was (b)(6) and I said yes. They said I had a deportation from 1996. They asked me for my identification and I showed it to them and my wife said she needed to show them papers from ICE and that she had papers inside the house. We went inside and the officers came behind us, they came in and we were in the living room. My wife said they were in the room. The officer followed her in the bedroom for the papers. 2 daughters were in the living room. My wife showed the papers and he said something and then took me outside to the car.

My wife understands English. One officer followed her into the bedroom and other stayed with me.

Did the officers as to enter your home? – No, they were just following us. My wife went in first, then my 2 daughters, then myself, then the officers. They came out of the bedroom and one officer looked at the papers and they arrested me.

Did they put handcuffs on? – Yes.

Were the handcuffs in the front or the back? – In the front.

Where were your wife and daughters? – In the living room. The 2 children were there and my wife.

Did they witness you being arrested? – My wife and children saw me arrested.

How old are your daughters? – They're both 15.

When you were arrested, were you injured? – The handcuffs were very tight, too tight.

Did they cut you or scratch you? – No, no cuts or scratches.

Did you tell them they were too tight? – No.

Did you resist arrest? – No.

So they walked you out and put you in the vehicle? – Yes.

What kind of cars? – The first car was a Buick and then a truck.

Did you or your wife grant permission for them to enter? – They didn't ask us.

They just followed you inside? – Yes.

Only 2 officers? – Yes.

Would your wife be willing to talk to us? – Yes.

What is her name? – (b)(6)

Did the officers talk to your daughters? – No.

But they spoke to your wife? – Yes.

Do you feel like you have been mistreated? – No.

Was anyone else injured that day? – Sentimentally and emotionally, my daughters cried and my wife also.

What time did they arrive? – At 7:50am.

How long were they there for? – They stayed about 10 minutes.

They were wearing vests with ICE? – Yes.

Do you know what ICE stands for? – No.

What does it mean to you? – Immigration.

Did they show you a badge or anything like that? – No.

Are you treated well here? – It's fine.

You get our medication? – I'm not on medications.

You get your meals? – Yes.

CRCL questions:

After you were taken into the car, where did you go from there? - They put me in the car and took us to a place in the same town. We drove up with 3 or 4 more cars and they put me in a truck with 2 more people in it. We went around for 5 or 6 more other houses for 3 more hours. Then we went to Chattanooga. That's where we stopped at a gas station. I asked to go to the bathroom and they said no.

Did you see any local law enforcement there? – No.

(b)(6)

Date of Birth: (b)(6)

Arrested at the address listed

Is that your permanent residence? – Yes.

Who else lives there with you? – My family, my wife, 2 sons, and 2 daughters

How old are your 2 sons? – I don't know their ages because the papers are at home. One is around 11 and the younger one is 6. My daughters are 3 and 12.

Were they there when you were arrested? – Yes.

Did the officers speak to you in your native language? – They spoke English and Spanish.

Did you understand the officers? – Some of the words, some of the Spanish.

Do you remember the names of the officers? – No, not at all.

How many officers were there? – there were 3.

What time did they come? – 10am.

Did they identify themselves to you? – No, they didn't. They knocked really hard, my daughter got scared and opened the door.

What happened when she opened the door? – When the door opened, they went in fast and pulled my hands on my back and put the handcuffs on. They said you're arrested, that's all and they took me.

So they banged on the door? – Yes.

And then your daughter opened the door, which daughter? – I don't know which one but one of them opened the door.

Did you witness her opening the door? – No I did not. I was in my bedroom, I did not witness it.

You and your wife were in the bedroom? – Yes.

When they came in, did they enter your bedroom or did you come out? – They went where I was to the bedroom.

How many officers came to the bedroom? – 1 went into the bedroom and the other 2 stayed outside in the living room.

When he got to the bedroom, what did he say? – You are arrested.

Did he say he was from ICE or immigration? – No, none of those words.

What was he wearing? – He had a black vest.

Were there any words on the vest? – I saw something on the back, but I can't read or write so I don't know what it said.

Did he have a badge or anything? – Yeah, I remember seeing something up front (pointed to his shirt close to his chest).

Who is (b)(6) – My wife?

Did she grant permission for the officers to enter? – No, not at all.

What happened after the officer said you were under arrest? - He went in, grabbed me, pulled my hands on my back and pulled me out.

Where did he grab you? – He grabbed my hands and put them behind my back.

Then he put handcuffs on you? – Yes, he put the cuffs on very hard and my hands were very painful.

After he put the handcuffs on, he escorted you out the bedroom? – He put the handcuffs on and took me outside.

You didn't stop in the living room? – That's right.

You went outside in a car? – Yes, in a car.

What kind of car? – The car looked like a blazer.

What color was it? – The color was kind of brown.

Did your wife witness the officers arresting you? – Yes, they did. My wife and kids, the whole family. When I left, my wife started crying.

Did the officers talk to your wife? – No, they didn't say anything.

They didn't ask her any questions? – No, nothing.

How about the children? – No, nothing.

Were you injured at all? – My hands were in pain, but only my hands.

Painful from the handcuffs? – That's right, from the handcuffs.

Were there any scratches or bruises? – They were a little red when they took off. The redness came off when they were taken off.

Did you report to any of the officers that your hands were hurting? – No, I didn't.

At any time did they talk to your wife or kids? – The officer went in and asked my daughter her name.

Which daughter? – (b)(6)

Is she the 3 year old or the 12 year old? – Yes, that's the one who is 12.

What else did they ask? – That's the last thing, just her name.

Did they say anything to the other children or your wife? – Just asking my daughter her name and then we left.

SPLC question: Did the agents make threats or scare your daughter in any way? – I was in my bedroom, I did not see much or hear much.

Do you feel like you were mistreated that day? – I don't know, it happened the way I explained it, that's all.

Were your children or wife injured that day? – I don't think so, but when I left my whole family cried after me.

What time did they leave? – For a few minutes, then they drove around looking for more people. We were there for a few minutes, but I don't know what time we left.

Did the officers shout anything when they banged the door? – They knocked very hard, my daughter was just scared and opened the door. But I didn't hear anything.

The 12 year old opened the door? – I don't know who opened the door.

Did they say that they were agents or the police? – No, not at all.

When they came in the bedroom, did you recognize them as officers or know who they were? – Yes, because of their clothes.

When you were in the car and drove away, where did you go? – To Chattanooga.

Were you given anything to eat, were you treated properly? – No food at all.

Did you stop and arrest anyone else along the way or were you put in a van with other people? – We went straight to Chattanooga and fingerprinted me and put me in the jail.

How are you treated here in this place? – Well what happened, there was no food in Chattanooga until I got to the jail.

Are you taking any medications now? – No, I'm not taking any.

Is there anything else you want to say? – What are you doing here?

We respond indicating that we wanted to ask questions about the day that he was arrested and ask how he was treated during that encounter with ICE.

(b)(6)

Date of Birth: (b)(6)

You were arrested on December 10, 2011? – Yes.

At what time? – Around 8am because when I got home they were standing outside the house and showed me a picture of someone I didn't know.

At the address (b)(6) – Yes, they were looking for someone else, they made me go inside to look for papers.

Who is (b)(6) – My husband.

Is that your permanent address? – Yes.

Who else lives there with you? – My son, my daughter. We just started living there because we had no work.

Who else lives there? – My husband.

What languages did they speak? – English, a little Spanish, but I really couldn't understand.

Do you remember the names of the officers? – I saw ICE on their clothes, but that's all.

Do you know what ICE means? – No, I don't.

Who did you think they were? – I got scared when I saw them, they ran to the van and got their vests that said ICE. They were running around and I asked what is this? I was scared and I wanted to faint.

How many officers were there? – 3 officers.

Can you describe what they look like? – One was white and overweight, one was skinny, the 3rd one I don't remember.

What happened that day? – We got to the house and we saw the cars and the officers. We were asking what happened and they kind of didn't let us out of the car. They asked for my husband's driver's license, he took it and threw it saying this isn't right. He threw the license and was asking us for more papers. My husband was going before a judge.

Did they ask to enter? – They were in a rush, saying come on come on, open your door get inside your house. I was scared and they us feel like criminals.

Who gave permission to enter? – They were just making us get into the house.

Who went in first? – They were home when we got there, I don't know if they went in already. The door was open and my son was there, I don't know if they were in before that.

Who was home? – My son and daughter were at home, my husband and I arrived then.

How old are they? – My son is 18 and my daughter 14. They stayed home because I went to Church that morning.

When you went to the door, the children were home? – Yes.

Did they say whether the officers entered before you got home? - I don't know because they were at the door when I got outside.

Did you ask the children if they allowed them in? – No, I couldn't because they told us to sit there and not to look around and asked us not to do anything.

How many officers entered your home? – I think the 3 officers went in because they went for my son and he was struggling looking for papers so I got them. I went in and came back out after I got them and gave them to them and they took both of us.

They took both you and your son? – Yes.

What's his name? – (b)(6) but he's out already.

So the entered asking for your son's paperwork and then they asked for yours? – They asked my son for his papers and he showed them a school ID. They said that's not okay and asked me and I had nothing to show them.

Then what happened? – They said you have to go with us, we are taking you, but you'll come back in 2 hours. They put handcuffs on me and chains on my son's feet and they took us.

Were you injured? – They took us in the car and said don't worry, I'll get something for you to eat. Then we went to Chattanooga and there was no food. In the jail they mistreated us because they threw a sandwich at us. The one who drove the van threw it at us.

Were you injured, like your arm, your shoulder? – I am a sick person, I wanted to go to the restroom but they made me go to a men's restroom. I'm an injured person of Guatemala where I'm from, I was around 14 when someone abused me.

Were you injured physically or injured because of the experience with the officers? – They put me in jail, but right now I have scrapes and bruises because I fell from my bed.

The bed in the jail? – Yes, I'm a tiny person and around 9 I wanted water and I used the chair to come down and I fell.

Did anyone witness you being arrested? - My husband and my son. I'm not sure what happened to my daughter, I don't remember where she was or what happened to her.

So they put you in a car after putting on the handcuffs? – Yes, they took me.

You and your son? – Yes.

Who else was in the car? – There was a man.

Was he arrested also? – Yes, another man, another one in the van.

Did the officer speak to your husband? – He showed them his driver's license and they threw it and asked for more. He showed the business card of the lawyer in charge. They called the lawyer and said you're staying, but we're taking these two.

Did they speak to your daughter? – I was in the living room. I don't remember seeing my daughter. I don't know if she came out or maybe she was scared and hiding in her room.

Were any other family members injured? – I'll say about what happened to me. They took us in the van and told us not to talk at all. I didn't get hurt but my hands and back were in pain because of the handcuffs. I don't know about my son because we couldn't talk.

How long did the officers stay? – I couldn't see the time on a watch, but they were there maybe an hour or a little more; looking for papers, talking on the radio, walking around.

Did they search anything in the house? – They went into rooms, my son's room, my room, but I couldn't see more because they told me to stay in the living room.

Did you give them permission to search the rooms? – Not at all, they just went in.

Did your husband or children give them permission? – No they did not.

When they took you, where did they take you? – To Chattanooga.

Did they meet anyone else, or get anyone else? – They took us straight to Chattanooga.

Were there any scuffles or problems between the officers and your son or your husband? – We were all concerned and scared.

Who did they say they were looking for? - They said they were looking for my husband. He didn't know why because he got his residency. At first they showed a picture but it was of someone else, then they pulled out my husband's picture.

They didn't arrest your husband? – He pulled out his papers and he gave the officers the cell number of the lawyer and they called the lawyer.

Does your son or husband or daughter speak English? – My son and daughter do, but my husband speaks very little English.

Did they speak to your son in English? – Yes, they said we're taking you and they went for him in his room.

Where was he arrested? – He was arrested in his bedroom.

Where were you arrested? – Me, in the living room.

CRCL questions:

So they showed you a picture of someone else? – Yes.

And they said they were looking for that person? – Yes.

Did you know who that person was? – It was the person who was already in the car.

After you were in the car, did you go any place else? – We stopped at a McDonalds, a couple of them stayed and then we drove to Chattanooga.

(b)(6)

Date of Birth: (b)(6)

You were arrested on December 10, 2011? – Yes.

At what time? – It was Saturday, yeah, December 9, 2011 at 9am.

Was it the 9th that you were arrested? – I think it was Saturday the 10th, but the time was 9 or 10am.

You were arrested at the address listed? – Yes.

Is that your permanent address? – Yes.

Who else lives there with you? – My family, my mother, step-father, sister-in-law, son, daughter, and wife. My wife was not there when they picked me up.

How many sons and daughters do you have? – 2 sons and one daughter.

Southern Poverty Law Center attorneys questioned the interpretation of the interpreter and asked to clarify.

Let's go through it again, who else lives there with you? – My mother, step-father, 2 sons, my daughter, my cousin, her boyfriend and my cousin's daughter.

Did the officers speak to you in your native language? – No, they spoke Spanish.

How many officers spoke Spanish? – One was speaking in Spanish.

Did you understand the Spanish? – Yes, I did.

Do you remember the names of the officers? – No, I don't.

How many officers were there? – One of the officers was a lady, then many others got there because other cars got there, but I don't remember. At first there was one male and one female.

What happened when the officers came? – I was parking when I saw the officer. I went to go inside my house but before I got to the door, next to the porch, they grabbed me and threw me to the ground.

You were in the front yard? – At the parking lot. I was taking my clothes and putting in the car to go to the laundry. (sounds like it was in the driveway).

Then you saw the 2 officers? – Yes, I stepped back and tried to go inside my house.

What kind of car was it? – It looked gray, just a regular car.

What happened after you ran inside the house? – I didn't run, I just went back inside my trailer. I went for more clothes.

Did you know who they were? – Yes, when they got out of the car.

How were they dressed? – Like other ICE officers that had been around, with the word ICE on the back.

Did they have guns or badges? – Right.

So you were walking back to the trailer and before you got inside, they grabbed you? – Yes, they threw me on the ground and I got hurt next to my eye. They grabbed my hand to put it on my back and were forcing my other hand and I couldn't do that and they were forcing me.

You hit your face on the ground? – You cannot tell right now, but 2 or 3 weeks ago, I was hurt.

Were you hurt anywhere else? – No other part of my body except my face. My face hit part of a wood, I don't really know what happened.

This was right outside of your trailer? – Yes, my mother, son and daughter were looking at me in the front of the house.

Your mother, son, and daughter witnessed you being arrested outside? – My mother, my son who is 9 years old; saw that and were crying.

And your daughter? – No, not my daughter. (she wasn't crying).

You were taken to a vehicle? – Yes, then I was put into a car and taken to Chattanooga.

Were there others in the car? – Yes.

How many people? – I remember seeing 3.

Three others who were arrested? – Right.

Did you make any other stops on the way to Chattanooga? – We stopped at other places, but didn't pick up others.

Did the officers enter your residence? – Yes, they did.

When did they enter your residence? – When they got me outside, they went in. My little girl was so scared, she was crying, she has asthma.

Did they take you inside with them? – They handcuffed me and took me inside the house and searched for more.

So they sat you on the couch? – They asked me to sit down and went inside the rooms, looking all over, they pointed a flashlight at my daughter under the bed and the same thing to my cousin's daughter who was hiding. They were all crying.

Did they ask if they could enter? - No they didn't. They wouldn't ask.

Which officers entered? – The male and female entered.

Who searched the residence? – The male officer searched the house.

The female officer stayed with you? – Yes, she was next to me.

They didn't ask you if they could search? – No, they didn't, they just went in.

When they took you inside, who was in the residence? – the persons inside were my cousin, her boyfriend, my daughter and my cousin's daughter.

Your mother and stepfather were gone? – They were with me, they saw everything. My mother and stepfather and son saw me outside. Inside was my daughter, cousin, her boyfriend and her daughter.

Did the officer speak to anyone else in the house? – They took my cousin's boyfriend too because he didn't have papers. They took my step-father too.

What are their names? – The boyfriend's name is Miguel Pedro Matias and the step-father's name is Tomas Gaspar Diego.

Did you report your injury to the officers? – No, I didn't mention anything..

Were you bleeding? – It got swollen and red.

Did the officer say anything about the injury? – No, not at all. They just looked at it.

Did you request any medical treatment? – No, I didn't ask.

Were any other family members injured? – No, they just grabbed them. They were handcuffed too, but I don't know the rest.

How long were the officers there? – Maybe 30-40 minutes, I was not really aware of the time.

CRCL questions:

You said they officers were wearing vests with ICE? – Yes.

Did they identify themselves by showing you a badge or something else? – They did not have to show me. They were screaming and yelling a lot of things I didn't understand. But I saw something on their back.

Did you know who was arresting you? Do you know what ICE is? – Immigration.

When you were in the car, where did they take you? – We drove around and looked for others, then we left and went to Chattanooga.

OPR questions:

Who was in the car when they put you in? – The female joined in the car, then the three of us.

What kind of car was it? – I think it was a Suburban, but I'm not sure.

CRCL questions:

You mentioned other ICE officers were around, were they in your neighborhood before, did you notice them? – I had seen ICE on TV on the news. They took people away.

Had you seen them in the neighborhood? – I heard they were around somewhere, but not in my neighborhood.

(b)(6)

Date of Birth: (b)(6)

You were arrested on December 11, 2011? – Yes.

At what time? – Approximately 6:30am.

At the listed address? – Yes.

Is that your permanent residence? – Yes.

Who else lives with you there? – My wife, 3 children. At that moment there were just 2 children in the house.

What is your wife's name? – (b)(6)

Did the officers speak to you in your native language? – Just English.

Do you speak English? – A little bit.

Could you communicate with the officers that day? – Just barely enough.

Do you remember the names of the officers? – They didn't mention their names.

What happened when they arrived? - I was sleeping and they knocked on the door. I told my wife to open the door and she did. When she opened it she came to tell me that the police were looking for me. I said okay, let me get dressed.

So your wife answered the door? – I don't know if it was opened or if she opened it.

How many officers came in? – There was a male officer inside and a female; and male who were outside. The one male officer wanted to come inside the bedroom but my wife prevented him from coming into the room.

So there was only one male and one female officer in the house? – The first male came inside the house, after I got dressed then the female came in. She said we're just going to take you for a few hours.

What did the male officer in the bedroom say? – The male officer sat there without saying anything to let me finish getting dressed.

(some comment) I couldn't go back in to get my socks.

Did they put handcuffs on you? – Yes, when I came into the living room.

Were they in the front or back? – In the front.

Did they tell you why you were arrested? – They said there was a warrant for my arrest, that's why we're here.

So you were arrested in the living room? – Yes.

Did anyone witness the officers arresting you? – Just my wife.

Who was at home then? – Just my wife and me.

The children were not at home? – 2 of them were sleeping.

Did the officers talk to your wife? – She was asking why are you doing this? She speaks better English than I do. They said we are not arresting him, just taking him for a few hours to get fingerprints on him.

Your wife speaks English? – Yes she does.

Was your wife able to communicate with the officers very well? – Well she was panicking and crying.

So they placed the handcuffs on you and put you in the car? – The male officer called the female officer to take me to the minivan.

Did they say where you were going? – They said we were going to the Sheriff's office for fingerprints, but that didn't happen. We went to another house and they knocked on the door but no one answered.

After that where did you go? – Then another house.

Then what? – No one answered, we waited for a half-hour more in the minivan. Then we went to Cherokee apartments, then to Chattanooga.

Were you injured physically? – No.

Do you feel like you were mistreated? – It was okay until he threw a hamburger at me in Chattanooga. I felt like I was being treated as a dog.

Was there anyone with you when the burger was thrown? – A couple of other gentlemen, only one I remember, someone named (b)(6)

Have you seen (b)(6) since then? – We're in the same cell in this facility.

Were any of your family members injured? – No.

How long were they at your home? – I'm not quite sure, 10 or 9 minutes, but I'm not sure.

Can you describe the officer's clothes? – Bulletproof vests and it said ICE.

How many were wearing a vest? – (missed the answer to this question)

Did you know that they were immigration people? – I thought it was just the police, but when I came out after dressing I noticed they were ICE.

Do you know what ICE is? – I never asked around. I thought it was the police or Sheriff and then I looked and it said ICE.

Did they have a badge or ID? – I don't remember, I was panicking and scared at that moment and I wasn't sure.

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-12-0082 12-03-ICE-0037 Mary Bauer

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-12-19 15:12	Create	Entry Date	12/19/2011	8042	(b)(6)	User Change
DhsComplaint	2011-12-19 15:12	Create	Method of Receipt	Internal Staff	8042		User Change
DhsComplaint	2011-12-19 15:12	Create	Sender Type	NGO/Organization	8042		User Change
DhsComplaint	2011-12-19 15:12	Create	Date on Correspondence	12/16/2011	8042		User Change
DhsComplaint	2011-12-19 15:12	Create	Date to DHS	12/19/2011	8042		User Change
DhsComplaint	2011-12-19 15:12	Create	Date to CRCL	12/19/2011	8042		User Change
DhsComplaint	2011-12-19 15:12	Create	Days to Process	0	8042		User Change
DhsComplaint	2011-12-19 15:12	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	8042		User Change
DhsComplaint	2011-12-19 15:12	Create	Executive Summary	On December 19, 2011, CRCL internal staff received a news article titled, "SPLC Urges DHS to End Raids Terrorizing Latino Communities in North Alabama", dated December 16, 2011 on the Southern Poverty Law Center (SPLC) website. The website's news article	8042		User Change
DhsComplaint	2011-12-19 15:12	Create	Summary	(b)(5) On December 19, 2011, CRCL internal staff received a news article titled, "SPLC Urges DHS to End Raids Terrorizing Latino Communities in North Alabama", dated December 16, 2011 on the Southern Poverty Law Center (SPLC) website. The webs	8042		User Change
DhsComplaint	2011-12-19 15:12	Create	Component Referenced	ICE	8042		User Change
DhsComplaint	2012-07-11 12:29	Update	Complaint Group Listing	(b)(5)	8042		User Change

DhsComplaint	2012-07-11 12:29	Update	Days to Process	205	8042	(b)(6)	User Change
DhsComplaint	2012-07-17 12:24	Update	Complaint Group Listing	(b)(5),(b)(7)(A)	8042		User Change
DhsComplaint	2012-07-17 12:24	Update	Days to Process	211	8042		User Change
DhsComplaintAction	2012-07-11 12:19	Create	Action Date	07/11/2012	107976		User Change
DhsComplaintAction	2012-07-11 12:19	Create	Action	Short Form	107976		User Change
DhsComplaintAction	2011-12-20 09:46	Create	Action	(b)(7)(A)	106738		User Change
DhsComplaintAction	2011-12-20 09:46	Create	Document	12-03-ICE-0037 (b)(7)(A) (b)(7)(A) 12.20.2011).pdf	106738		User Change
DhsComplaintAction	2011-12-20 09:46	Create	Action Date	12/20/2011	106738		User Change
DhsComplaintAction	2011-12-20 09:47	Create	Action	Awaiting Recommendation	106739		User Change
DhsComplaintAction	2011-12-20 09:47	Create	Comments	Per Director Jeffrey Blumberg, open this (b)(5),(b)(7)(A)	106739		User Change
DhsComplaintAction	2011-12-20 09:47	Create	Action Date	12/20/2011	106739		User Change
DhsComplaintAction	2011-12-29 10:21	Create	Action Date	12/29/2011	106817		User Change
DhsComplaintAction	2011-12-29 10:21	Create	Action	Recommendation Review	106817		User Change
DhsComplaintAction	2011-12-29 10:22	Create	Action Date	12/29/2011	106818		User Change
DhsComplaintAction	2011-12-29 10:22	Create	Action	Back from Officer	106818		User Change
DhsComplaintAction	2011-12-29 10:22	Create	Primary Assignment	(b)(6)	106818		User Change
DhsComplaintAction	2011-12-29 10:22	Create	Secondary Assignment	(b)(6)	106818		User Change
DhsComplaintAction	2011-12-19 15:17	Create	Comments	Per Director Jeffrey Blumberg, open this (b)(5),(b)(7)(A)	106736		User Change
DhsComplaintAction	2011-12-19 15:17	Create	Action Date	12/19/2011	106736		User Change
	2011-						

DhsComplaintAction	12-19 15:17	Create	Action	Open a Complaint	106736	(b)(6)	User Change
DhsComplaintAction	2011-12-19 15:17	Update	Document	12 19 2011 Southern Poverty Law Center (SPLC) _internal CRCL email.pdf	106736		User Change
DhsComplaintAction	2011-12-19 15:20	Create	Action Date	12/19/2011	106737		User Change
DhsComplaintAction	2011-12-19 15:20	Create	Action	(b)(7)(A)	106737		User Change
DhsComplaintDocument	2011-12-19 15:21	Create	Document Type	Media Coverage	85741		User Change
DhsComplaintDocument	2011-12-19 15:21	Create	Document 1	12 19 2011 Southern Poverty Law Center (SPLC).pdf	85741		User Change
DhsComplaintDocument	2011-12-19 15:21	Create	Dateentered	12/19/2011	85741		User Change
DhsComplaintDocument	2011-12-19 15:21	Create	Foreign Language	No	85741		User Change
DhsComplaintDocument	2012-06-13 15:35	Create	Document Type	Investigative Material	86911		User Change
DhsComplaintDocument	2012-06-13 15:35	Create	Document 1	Birmingham Closing Report # 15.pdf	86911		User Change
DhsComplaintDocument	2012-06-13 15:35	Create	Dateentered	06/13/2012	86911		User Change
DhsComplaintDocument	2012-06-13 15:35	Create	Comments	ICE OPR ROI	86911		User Change
DhsComplaintDocument	2012-06-13 15:35	Create	Foreign Language	No	86911		User Change
DhsComplaintDocument	2012-06-13 15:40	Create	Document Type	Investigative Material	86912		User Change
DhsComplaintDocument	2012-06-13 15:40	Create	Document 1	Birmingham Exhibits.pdf	86912		User Change
DhsComplaintDocument	2012-06-13 15:40	Create	Dateentered	06/13/2012	86912		User Change
DhsComplaintDocument	2012-06-13 15:40	Create	Comments	ICE OPR Exhibits	86912		User Change
DhsComplaintDocument	2012-06-13 15:40	Create	Foreign Language	No	86912		User Change
DhsComplaintDocument	2012-06-13 15:41	Create	Document Type	Investigative Material	86913		User Change
DhsComplaintDocument	2012-06-13 15:41	Create	Document 1	Word Doc Report Birmingham with Exhibits.pdf	86913		User Change

DhsComplaintDocument	2012-06-13 15:41	Create	Dateentered	06/13/2012	86913	(b)(6)	User Change
DhsComplaintDocument	2012-06-13 15:41	Create	Comments	ICE OPR ROI and Exhibits	86913		User Change
DhsComplaintDocument	2012-06-13 15:41	Create	Foreign Language	No	86913		User Change
DhsComplaintDocument	2011-12-19 15:13	Create	Document Type	Incoming Letter	85740		User Change
DhsComplaintDocument	2011-12-19 15:13	Create	Document 1	12 19 2011 Southern Poverty Law Center (SPLC).pdf	85740		User Change
DhsComplaintDocument	2011-12-19 15:13	Create	Dateentered	12/19/2011	85740		User Change
DhsComplaintDocument	2011-12-19 15:13	Create	Foreign Language	No	85740		User Change
DhsComplaintDocument	2011-12-19 15:13	Create	Document 2	12 19 2011 Southern Poverty Law Center (SPLC)_letter to Napolitano.pdf	85740		User Change
DhsComplaintDocument	2014-01-29 15:44	Create	Document Type	Miscellaneous Material/Other	93134		User Change
DhsComplaintDocument	2014-01-29 15:44	Create	Dateentered	01/29/2014	93134		User Change
DhsComplaintDocument	2014-01-29 15:44	Create	Document 1	Blank doc to be used in order to close items in the system.docx	93134		User Change
DhsComplaintDocument	2014-01-29 15:44	Create	Foreign Language	No	93134		User Change
DhsComplaintDocument	2014-01-29 15:46	Delete			93134		User Change
DhsComplaintDocument	2014-01-29 15:53	Create	Document Type	Miscellaneous Material/Other	93136		User Change
DhsComplaintDocument	2014-01-29 15:53	Create	Dateentered	01/29/2014	93136		User Change
DhsComplaintDocument	2014-01-29 15:53	Create	Document 1	Blank doc to be used in order to close items in the system.docx	93136		User Change
DhsComplaintDocument	2014-01-29 15:53	Create	Foreign Language	No	93136		User Change
DhsComplaintDocument	2014-01-29 15:55	Delete			93136		User Change
DhsComplaintDocument	2014-02-27 12:28	Create	Document Type	Investigative Material	93572		User Change
	2014-			DRAFT Detainee Interviews from La Salle			User

DhsComplaintDocument	02-27 12:28	Create	Document 1	Detention Center - 1-5- 12.docx	93572	(b)(6)	Change
DhsComplaintDocument	2014- 02-27 12:28	Create	Dateentered	02/27/2014	93572		User Change
DhsComplaintDocument	2014- 02-27 12:28	Create	Foreign Language	No	93572		User Change
DhsComplaintIssue	2011- 12-19 15:28	Create	State	Alabama - AL	13254		User Change
DhsComplaintIssue	2011- 12-19 15:28	Create	Redirect to Subject	No	13254		User Change
DhsComplaintIssue	2011- 12-19 15:28	Create	Incident Date 2	12/11/2011	13254		User Change
DhsComplaintIssue	2011- 12-19 15:28	Create	Incident Location Type	Residence	13254		User Change
DhsComplaintIssue	2011- 12-19 15:28	Create	Primary Issue	Yes	13254		User Change
DhsComplaintIssue	2011- 12-19 15:28	Create	Incident Location	Trailer parks and apartments	13254		User Change
DhsComplaintIssue	2011- 12-19 15:28	Create	Situation	DHS law enforcement activity	13254		User Change
DhsComplaintIssue	2011- 12-19 15:28	Create	Ethnicity	Hispanic or Latino	13254		User Change
DhsComplaintIssue	2011- 12-19 15:28	Create	City	Collinsville and Fort Payne	13254		User Change
DhsComplaintIssue	2011- 12-19 15:28	Create	(b)(5)	(b)(5)	13254		User Change
DhsComplaintIssue	2011- 12-19 15:28	Create	Ongoing	Yes	13254		User Change
DhsComplaintIssue	2011- 12-19 15:28	Create	Incident Date	12/09/2011	13254		User Change
DhsComplaintPartiesInvolved	2011- 12-19 17:09	Create	First Name	Mary	22524		User Change
DhsComplaintPartiesInvolved	2011- 12-19 17:09	Create	Zip Code	36104	22524		User Change
DhsComplaintPartiesInvolved	2011- 12-19 17:09	Create	Other Organization	Southern Poverty Law Center (SPLC)	22524		User Change
DhsComplaintPartiesInvolved	2011- 12-19 17:09	Create	Last Name	Bauer	22524		User Change
DhsComplaintPartiesInvolved	2011- 12-19 17:09	Create	Phone	334 (b)(6)	22524		User Change
	2011-						

DhsComplaintPartiesInvolved	12-19 17:09	Create	Address Line 2	400 Washington Avenue	22524	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 12-19 17:09	Create	Organization	Other	22524		User Change
DhsComplaintPartiesInvolved	2011- 12-19 17:09	Create	Contact Type	Sender	22524		User Change
DhsComplaintPartiesInvolved	2011- 12-19 17:09	Create	Address Line 1	Southern Poverty Law Center	22524		User Change
DhsComplaintPartiesInvolved	2011- 12-19 17:09	Create	City	Montgomery	22524		User Change
DhsComplaintPartiesInvolved	2011- 12-19 17:09	Create	State	Alabama - AL	22524		User Change
DhsComplaintPartiesInvolved	2011- 12-19 17:09	Create	Prefix	Atty	22524		User Change
DhsComplaintPartiesInvolved	2014- 01-29 15:42	Create	Comments	(b)(5)	24990	(b)(6)	User Change
DhsComplaintPartiesInvolved	2014- 01-29 15:42	Create	Last Name	(b)(6)	24990		User Change
DhsComplaintPartiesInvolved	2014- 01-29 15:42	Create	Contact Type	On Behalf Of	24990		User Change
DhsComplaintPartiesInvolved	2014- 01-29 15:42	Create	First Name	(b)(6)	24990		User Change



Homeland
Security

July 18, 2012

(b)(6)

Sherman Oaks, CA 91401

Re: Complaint No. [12-04-ICE-0194]

Dear (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on January 27, 2012 regarding Mr. and Mrs. (b)(6) Ms. (b)(6) Ms. (b)(6) and Mr. (b)(6) forward to CRCL by DHS OIG. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS).

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at crcl@hq.dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,



Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Authority: 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

Purpose: The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

Routine Uses: This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ALL-029 Civil Rights and Civil Liberties Records System of Records.

Disclosure: Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to www.dhs.gov/privacy.

From: CRCL_DHSOIGHotline
To: (b)(6)
Cc:
Subject: RE: CRCL Complaint Number 12-04-ICE-0194
Date: Wednesday, July 18, 2012 3:03:01 PM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@HQ.DHS.GOV]
Sent: Wednesday, July 18, 2012 2:54 PM
To: CRCL_DHSOIGHotline
Cc: (b)(6)
(b)(6)
Subject: CRCL Complaint Number 12-04-ICE-0194

DHS OIG,

Summary of a new complaint for your review:

On January 27, 2012, CRCL received an informal email from DHS OIG (HC 1205267) regarding a telephone conversation with (b)(6) the victims' lawyer. The victims are: (b)(6)

(b)(6) all residing at (b)(6)

Street Los Angeles, CA. 90003.

(b)(6) on behalf of the victims, that on August 24th, 2011 ICE officers entered his client's property. The victims' house is on a property that holds two houses. The lawyer believes the ICE officers had an arrest warrant for someone living in the other house. Upon entering the property the complainant claims the ICE officers shot and killed two of the victims' dogs. The officers then pointed their weapons at the victims and their families, including women and children. The ICE officers handcuffed the victims while they finished executing the search warrant. Eventually the victims were let go. The victims were not able to get any of the ICE officers' personal information.

Thank you.

(b)(6)

Office for Civil Rights and Civil Liberties
Department of Homeland Security
202-357-(b)(6)
(b)(6)@hq.dhs.gov



**Homeland
Security**

March 14, 2014

(b)(6)

Los Angeles, CA 90003

Re: Complaint No. 12-04-ICE-0194

Dear Mr. (b)(6)

This letter is a follow-up to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from (b)(6) that was forwarded to our office from the DHS Office of Inspector General on January 24, 2012, regarding your treatment during the execution of a warrant by U.S. Immigration and Customs Enforcement (ICE) agents. The complaint alleges that two dogs were shot and killed during the execution of a criminal warrant aimed at a different address.

In a letter sent to you on July 18, 2012, CRCL informed you that, pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, we would review your complaint and notify you of the outcome of any investigation conducted. CRCL has received and reviewed relevant documents from ICE regarding this unfortunate occurrence. However, based upon the review, CRCL will take no further action. The information received from ICE indicates that during the execution of a criminal narcotics warrant in the house behind your home, ICE officers encountered two dogs who they were forced to kill to protect officer safety after diversionary tactics failed to work. Given the collocation of the two properties, and the concern for office safety during the execution of the warrant, CRCL is closing this matter.

We appreciate your bringing these matters to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

(b)(6)

Acting Director for Compliance
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



**Homeland
Security**

March 14, 2014

(b)(6)

Los Angeles, CA 90003

Re: Complaint No. 12-04-ICE-0194

Dear Ms.

(b)(6)

This letter is a follow-up to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from (b)(6) that was forwarded to our office from the DHS Office of Inspector General on January 24, 2012, regarding your treatment during the execution of a warrant by U.S. Immigration and Customs Enforcement (ICE) agents. The complaint alleges that two dogs were shot and killed during the execution of a criminal warrant aimed at a different address.

In a letter sent to you on July 18, 2012, CRCL informed you that, pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, we would review your complaint and notify you of the outcome of any investigation conducted. CRCL has received and reviewed relevant documents from ICE regarding this unfortunate occurrence. However, based upon the review, CRCL will take no further action. The information received from ICE indicates that during the execution of a criminal narcotics warrant in the house behind your home, ICE officers encountered two dogs who they were forced to kill to protect officer safety after diversionary tactics failed to work. Given the collocation of the two properties, and the concern for office safety during the execution of the warrant, CRCL is closing this matter.

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Sincerely,

(b)(6)

Acting Director for Compliance
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



**Homeland
Security**

March 14, 2014

(b)(6)

Los Angeles, CA 90003

Re: Complaint No. 12-04-ICE-0194

Dear Ms.

(b)(6)

This letter is a follow-up to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from (b)(6) that was forwarded to our office from the DHS Office of Inspector General on January 24, 2012, regarding your treatment during the execution of a warrant by U.S. Immigration and Customs Enforcement (ICE) agents. The complaint alleges that two dogs were shot and killed during the execution of a criminal warrant aimed at a different address.

In a letter sent to you on July 18, 2012, CRCL informed you that, pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, we would review your complaint and notify you of the outcome of any investigation conducted. CRCL has received and reviewed relevant documents from ICE regarding this unfortunate occurrence. However, based upon the review, CRCL will take no further action. The information received from ICE indicates that during the execution of a criminal narcotics warrant in the house behind your home, ICE officers encountered two dogs who they were forced to kill to protect officer safety after diversionary tactics failed to work. Given the collocation of the two properties, and the concern for office safety during the execution of the warrant, CRCL is closing this matter.

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Sincerely,

(b)(6)

Acting Director for Compliance
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



**Homeland
Security**

March 14, 2014

(b)(6)

Los Angeles, CA 90003

Re: Complaint No. 12-04-ICE-0194

Dear Mr. (b)(6)

This letter is a follow-up to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from (b)(6) that was forwarded to our office from the DHS Office of Inspector General on January 24, 2012, regarding your treatment during the execution of a warrant by U.S. Immigration and Customs Enforcement (ICE) agents. The complaint alleges that two dogs were shot and killed during the execution of a criminal warrant aimed at a different address.

In a letter sent to you on July 18, 2012, CRCL informed you that, pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, we would review your complaint and notify you of the outcome of any investigation conducted. CRCL has received and reviewed relevant documents from ICE regarding this unfortunate occurrence. However, based upon the review, CRCL will take no further action. The information received from ICE indicates that during the execution of a criminal narcotics warrant in the house behind your home, ICE officers encountered two dogs who they were forced to kill to protect officer safety after diversionary tactics failed to work. Given the collocation of the two properties, and the concern for office safety during the execution of the warrant, CRCL is closing this matter.

We appreciate your bringing these matters to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

(b)(6)

Acting Director for Compliance
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



**Homeland
Security**

March 14, 2014

(b)(6)

Los Angeles, CA 90003

Re: Complaint No. 12-04-ICE-0194

Dear Mr. (b)(6)

This letter is a follow-up to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from (b)(6) that was forwarded to our office from the DHS Office of Inspector General on January 24, 2012, regarding your treatment during the execution of a warrant by U.S. Immigration and Customs Enforcement (ICE) agents. The complaint alleges that two dogs were shot and killed during the execution of a criminal warrant aimed at a different address.

In a letter sent to you on July 18, 2012, CRCL informed you that, pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, we would review your complaint and notify you of the outcome of any investigation conducted. CRCL has received and reviewed relevant documents from ICE regarding this unfortunate occurrence. However, based upon the review, CRCL will take no further action. The information received from ICE indicates that during the execution of a criminal narcotics warrant in the house behind your home, ICE officers encountered two dogs who they were forced to kill to protect officer safety after diversionary tactics failed to work. Given the collocation of the two properties, and the concern for office safety during the execution of the warrant, CRCL is closing this matter.

We appreciate your bringing these matters to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

(b)(6)

Acting Director for Compliance
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



Homeland
Security

March 14, 2014

(b)(6)

Sherman Oaks, California 91423

Re: Complaint No. 12-04-ICE-0194

Dear Mr. (b)(6)

This letter is a follow-up to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on behalf of your clients, Mr. and Mrs. (b)(6) Ms. (b)(6) Ms. (b)(6) and Mr. (b)(6). The complaint was in regards to the treatment of your clients during the execution of a warrant by U.S. Immigration and Customs Enforcement (ICE) agents, and also alleged that two dogs were shot and killed during the execution of a criminal warrant aimed at a different address.

In a letter sent to you on July 18, 2012, CRCL informed you that, pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, we would review your complaint and notify you of the outcome of any investigation conducted. CRCL has received and reviewed relevant documents from ICE regarding this unfortunate occurrence. However, based upon the review, CRCL will take no further action. The information received from ICE indicates that during the execution of a criminal narcotics warrant in the house behind your clients' home, ICE officers encountered two dogs who they were forced to kill to protect officer safety after diversionary tactics failed to work. Given the collocation of the two properties, and the concern for office safety during the execution of the warrant, CRCL is closing this matter.

We appreciate your bringing this matter to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

(b)(6)

Acting Director for Compliance
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



Homeland Security

To: (b)(6)
From: _____
Date: March 14, 2014
Complaint Number: 12-04-ICE-0194
Complainant Name(A#): (b)(6)

Finding(s) for Closure without Recommendations - (check all that apply):

☐ Insufficient information to investigate	☒ Allegation(s) substantiated but does not warrant recommendations
☐ Withdrawal of complaint	☐ No finding of detention standards violations
☐ Lack of jurisdiction	☐ No finding of policy or procedure violations
☐ Allegation(s) overtaken by events	☐ Complaint being handled as part of a related complaint (Related)
☐ Component and/or facility has already corrected the problem	☐ Other (provide details):
☐ Allegation(s) against component, individual, and/or facility unfounded	
☐ Allegation(s) against component, individual, and/or facility unsubstantiated	

Reason for Closing:

On January 20, 2012, CRCL received a complaint from (b)(6) forwarded to our office from the DHS Inspector General. Mr. (b)(6) represents (b)(6) (b)(6) who allege that on August 24, 2011, ICE officers entered their property and home with an arrest warrant. Mr. (b)(6) alleges that ICE officers shot and killed two of the owners' dogs while executing the arrest warrant. Further, they allege that the property searched by ICE holds two separate houses with different addresses and that the ICE officers had an arrest warrant for someone living in the other house. According to the Mr. (b)(6) his clients live at (b)(6) Los Angeles, California, and his clients believe that the officers had an arrest warrant for an individual at (b)(6)

CRCL reached out to ICE OPR regarding this complaint to determine whether it had opened this matter and whether they had any information regarding the warrant service. On July 24, 2012, CRCL received from OPR a Significant Incident Report (SIR) documenting a shooting during the service of a criminal narcotics search warrant at (b)(6) Los Angeles, California. ICE OPR had determined that it would not investigate the shooting. The SIR confirmed that a criminal search warrant was served on the date in question and that two dogs were shot as a result of the warrant because the dogs became aggressive with agents.

However, the complaint CRCL received alleged that agents entered (b)(6) and the SIR stated that the search warrant was served at (b)(6) CRCL reviewed Google maps and confirmed that both addresses are collocated on the same property. It appears that the (b)(6) address constitutes the structure at the front of the property and the (b)(6) address is located at the rear of the property. Since the structures searched are located on the same property address/location at (b)(6) it is conceivable the complainants' property or structures

Protected by the Deliberative Process Privilege

were searched during execution of the warrant. CRCL did not interview the agents involved or consult with ICE for further information about this incident. This is due to the fact that even if

(b)(5)

Additionally, CRCL (b)(5)

(b)(5)

(b)(5)

Therefore, based on what appears to be a valid criminal narcotics search warrant that may authorize the search of multiple structures, and the safety of the officers issues that would have accompanied serving such a warrant, I recommend closing the complaint without further investigation or recommendations.

Special Circumstances: N/A

Recommend Office of General Counsel (OGC) Review NO

If Yes- provide a brief explanation

Suggested Closure Method(s) (check all that apply):

☒ Close Letter to Complainant

☐ Phone call (a description of which is documented in Writing

☐ No notification necessary

☐ Other (provide details)

☐ Close email/memo to component

☐ High level component communication

☐ Close memo (No contact information)

Supporting Documents Attached:

SIR Report # 2011SIR0016462

For Completion by Reviewer:

Closure Recommendation Accepted x

Not Accepted ☐

(b)(6)

Protected by the Deliberative Process Privilege

From:	(b)(6)@gmail.com>
To:	"CRCLCompliance@hg.dhs.gov"
CC:	(b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)@hg.dhs.gov8c3>"
Subject:	CASE# 12-04-ICE-1094, (b)(6) et al., Signed Authorizations
Date:	2014/03/11 16:25:40
Type:	Note

Dear Sir/Madam:

Attached are the signed authorization forms for this case. Please let us know if you require any further documents from us.

(b)(6)
Legal Assistant

--
(b)(6) **Law Group**
4730 Woodman Ave, Suite #405
Sherman Oaks, CA 91423
Tel: (818) (b)(6)
Fax: (818) (b)(6)
Email: (b)(6)@gmail.com

This message and any attached documents may contain information from Beloryan Law Group that is confidential and/or privileged. If you are not the intended recipient, you may not read, copy, distribute or use this information. If you have received this transmission in error, please notify the sender immediately by reply e-mail and then delete this message.

Sender:	(b)(6)@gmail.com>
Recipient:	"CRCLCompliance@hg.dhs.gov"; (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)@hg.dhs.gov8c3>"
Sent Date:	2014/03/11 16:25:33
Delivered Date:	2014/03/11 16:25:40

DESIGNEE AUTHORIZATION

Date: 3/11/14

(b)(6)

Office ~~of~~ ^{for} Civil Rights and Civil Liberties

U.S. Department of Homeland Security

Building 410, Mail Stop #0110

Washington D.C. 20528

RE: Our Client(s) :

(b)(6)

Claim # :

12-04-ICE-0194

Date of Loss: :

8/24/11

I, (b)(6), the undersigned, am making a claim
against U.S. Department of Homeland Security. I hereby designate (b)(6)
ESQ., to represent me in this matter and to conclude the claim on my behalf.

(b)(6)

(b)(6)

PRINT NAME

SIGNATURE

3/11/14

DATE

1

AUTHORIZATION FOR RELEASE OF RECORDS

Date of Loss: 8/24/11

TO: (b)(6), Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Building 410, Mail Stop # 0190
Washington D.C. 20528

This letter shall serve to authorize you to permit (b)(6) and his agents to review, inspect, copy, and/or photocopy any and all of the following which are in your possession and/or control:

X-Rays; Films; Medical/Hospital Records; Chart Notes; Laboratory Reports; Graphs; Notes; Wage Records; Personnel Records; Psychiatric Records; Psychological Records; Reports of Governmental Entities or Agencies; Traffic Reports; Arrest Reports; Legal Files; and all other documents that are reasonably necessary for the processing of the undersigned's case.

This authorization shall remain valid until the above referenced claim has been resolved and finalized.

Photostatic copies of this authorization shall be considered as valid as the original.

PRINT NAME: (b)(6)
SIGNED: (b)(6)

DATED: 3/11/14

DESIGNEE AUTHORIZATION

Date: 3/11/14

(b)(6)

Office ~~of~~ ^{for} Civil Rights and Civil Liberties

U.S. Department of Homeland Security

Building 410, Mail Stop # 0190

Washington D.C. 20528

RE: Our Client(s) :

(b)(6)

Claim # :

12-04-ICE-0194

Date of Loss: :

8/24/11

(b)(6)

I, _____, the undersigned, am making a claim against U.S. Department of Homeland Security. I hereby designate (b)(6) _____ ESQ., to represent me in this matter and to conclude the claim on my behalf.

(b)(6)

CLAIMANT NAME

(b)(6)

SIGNATURE

3/11/14

DATE

AUTHORIZATION FOR RELEASE OF RECORDS

Date of Loss: 8/24/11

TO: (b)(6) Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Building 410, Mail Stop # 0190
Washington D.C. 20528

This letter shall serve to authorize you to permit (b)(6) and his agents to review, inspect, copy, and/or photocopy any and all of the following which are in your possession and/or control:

X-Rays; Films; Medical/Hospital Records; Chart Notes; Laboratory Reports; Graphs; Notes; Wage Records; Personnel Records; Psychiatric Records; Psychological Records; Reports of Governmental Entities or Agencies; Traffic Reports; Arrest Reports; Legal Files; and all other documents that are reasonably necessary for the processing of the undersigned's case.

This authorization shall remain valid until the above referenced claim has been resolved and finalized.

Photostatic copies of this authorization shall be considered as valid as the original.

PRINT NAME: (b)(6)

SIGNED: (b)(6) DATED: 3/11/14

DESIGNEE AUTHORIZATION

Date: 3/11/14

(b)(6)

office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Building 410, Mail Stop # 0190
Washington D.C. 20528

RE: Our Client(s) :

Claim # :

Date of Loss: :

(b)(6)

12-04-ICE-0194

8/24/11

I, (b)(6), the undersigned, am making a claim
against U.S. Department of Homeland Security. I hereby designate (b)(6)
ESQ., to represent me in this matter and to conclude the claim on my behalf.

(b)(6)

CLAIMANT NAME

(b)(6)

SIGNATURE

3/11/14

DATE

AUTHORIZATION FOR RELEASE OF RECORDS

Date of Loss: 8/24/11

TO: (b)(6), Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Building 410, Mail Stop #0190
Washington D.C. 20528

This letter shall serve to authorize you to permit (b)(6) and his agents to review, inspect, copy, and/or photocopy any and all of the following which are in your possession and/or control:

X-Rays; Films; Medical/Hospital Records; Chart Notes; Laboratory Reports; Graphs; Notes; Wage Records; Personnel Records; Psychiatric Records; Psychological Records; Reports of Governmental Entities or Agencies; Traffic Reports; Arrest Reports; Legal Files; and all other documents that are reasonably necessary for the processing of the undersigned's case.

This authorization shall remain valid until the above referenced claim has been resolved and finalized.

Photostatic copies of this authorization shall be considered as valid as the original.

PRINT NAME: (b)(6)

SIGNED: (b)(6) DATED: 3/11/14

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-12-0533 12-04-ICE-0194

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2012-07-18 14:54	Update	Allegation	(CR/CL) Civil Rights/Civil Liberty	8517	(b)(6)	User Change
DhsComplaint	2012-07-18 14:54	Update	Days to Process	173	8517		User Change
DhsComplaint	2012-07-13 13:02	Create	Component Referenced	ICE	8517		User Change
DhsComplaint	2012-07-13 13:02	Create	Summary	On January 27, 2012, CRCL received an informal email from DHS OIG (HC 1205267) regarding a telephone conversation with (b)(6) the victims' lawyer. The victims are: (b)(6)	8517		User Change
DhsComplaint	2012-07-13 13:02	Create	Executive Summary	On January 27, 2012, CRCL received an informal email from DHS OIG (HC 1205267) regarding a telephone conversation with (b)(6) the victims' lawyer. The victims are: (b)(6)	8517		User Change
DhsComplaint	2012-07-13 13:02	Create	Days to Process	168	8517		User Change
DhsComplaint	2012-07-13 13:02	Create	Date to CRCL	01/27/2012	8517		User Change
DhsComplaint	2012-07-13 13:02	Create	Date to DHS	01/20/2012	8517		User Change
DhsComplaint	2012-07-13 13:02	Create	Date on Correspondence	01/20/2012	8517		User Change
DhsComplaint	2012-07-13	Create	Sender Type	Individual	8517		User Change

	13:02					(b)(6)	
DhsComplaint	2012-07-13 13:02	Create	Method of Receipt	Phone Call	8517		User Change
DhsComplaint	2012-07-13 13:02	Create	Entry Date	07/13/2012	8517		User Change
DhsComplaintAction	2012-07-18 15:42	Create	Action	Awaiting Recommendation	108066		User Change
DhsComplaintAction	2012-07-18 15:42	Create	Action Date	07/18/2012	108066		User Change
DhsComplaintAction	2012-07-18 15:42	Create	Action	IG Declines/Back from IG	108065		User Change
DhsComplaintAction	2012-07-18 15:42	Create	Action Date	07/18/2012	108065		User Change
DhsComplaintAction	2012-07-18 15:42	Create	Document	12-04-ICE-0194 (OIG Response 7.18.2012).pdf	108065		User Change
DhsComplaintAction	2012-07-18 15:28	Create	Action	Acknowledgement Letter Sent	108061		User Change
DhsComplaintAction	2012-07-18 15:28	Create	Action Date	07/18/2012	108061		User Change
DhsComplaintAction	2012-07-18 15:28	Create	Document	1.27.2012 12-04-ICE-0194.pdf	108061		User Change
DhsComplaintAction	2012-07-18 14:52	Create	Action	Sent to IG	108049		User Change
DhsComplaintAction	2012-07-18 14:52	Create	Action Date	07/18/2012	108049		User Change
DhsComplaintAction	2012-07-18 14:52	Create	Action	Open a Complaint	108048		User Change
DhsComplaintAction	2012-07-18 14:52	Create	Action Date	07/18/2012	108048		User Change
DhsComplaintAction	2012-07-18 14:52	Create	Comments	Per Director Jeffery Blumberg, open this matter as a short form complaint, (b)(5), (b)(6)	108048		User Change
DhsComplaintAction	2014-03-14 10:46	Create	Document	12-04-ICE-0194 Close Memo.pdf	112738		User Change
DhsComplaintAction	2014-03-14	Create	Internal	comment will be	112738		User

	10:46		Summary	added		(b)(6)	Change
DhsComplaintAction	2014-03-14 10:46	Create	Action Date	03/14/2014	112738		User Change
DhsComplaintAction	2014-03-14 10:46	Create	Action	Closed - Short Form/No Further Action	112738		User Change
DhsComplaintAction	2014-03-14 10:46	Create	Reporting Summary	comment will be added	112738		User Change
DhsComplaintAction	2012-09-13 13:11	Create	Action	Short Form	108299		User Change
DhsComplaintAction	2012-09-13 13:11	Create	Action Date	09/13/2012	108299		User Change
DhsComplaintAction	2012-07-19 15:10	Create	Primary Assignment	(b)(6)	108073		User Change
DhsComplaintAction	2012-07-19 15:10	Create	Action	Back from Officer	108073		User Change
DhsComplaintAction	2012-07-19 15:10	Create	Action Date	07/19/2012	108073		User Change
DhsComplaintAction	2012-07-19 15:10	Create	Comments	Per Director Jeffery Blumberg, open this matter as a short form complaint. (b)(5), (b)(6)	108073		User Change
DhsComplaintAction	2014-03-14 14:16	Update	Internal Summary	On January 20, 2012, CRCL received a complaint from (b)(6) forwarded by DHS Inspector General. (b)(6) represents (b)(6) (b)(6) allege that on August 24, 201	112738		User Change
DhsComplaintAction	2014-03-14	Update	Reporting Summary	On January 20, 2012, CRCL received a complaint from (b)(6) forwarded by DHS Inspector General. Mr. (b)(6) represents (b)(6) (b)(6)	112738		User Change

	14:16			(b)(6)		(b)(6)
				allege that on August 24, 201		
DhsComplaintDocument	2012-07-13 13:04	Create	Dateentered	07/13/2012	87293	User Change
DhsComplaintDocument	2012-07-13 13:04	Create	Document Type	Incoming Letter	87293	User Change
DhsComplaintDocument	2012-07-13 13:04	Create	Comments	complaint	87293	User Change
DhsComplaintDocument	2012-07-13 13:04	Create	Foreign Language	No	87293	User Change
DhsComplaintDocument	2012-07-13 13:04	Create	Document 1	1 27 2012 (b)(6) pdf	87293	User Change
DhsComplaintDocument	2014-03-14 10:49	Create	Dateentered	03/14/2014	93749	User Change
DhsComplaintDocument	2014-03-14 10:49	Create	Foreign Language	No	93749	User Change
DhsComplaintDocument	2014-03-14 10:49	Create	Document 1	12-04-ICE-0194 7.pdf	93749	User Change
DhsComplaintDocument	2014-03-14 10:49	Create	Document Type	Closed Letter	93749	User Change
DhsComplaintDocument	2014-03-14 10:48	Create	Document 4	12-04-ICE-0194 4.pdf	93748	User Change
DhsComplaintDocument	2014-03-14 10:48	Create	Dateentered	03/14/2014	93748	User Change
DhsComplaintDocument	2014-03-14 10:48	Create	Foreign Language	No	93748	User Change
DhsComplaintDocument	2014-03-14 10:48	Create	Document 5	12-04-ICE-0194 6.pdf	93748	User Change
DhsComplaintDocument	2014-03-14 10:48	Create	Document 1	12-04-ICE-0194 Close Letter 1.pdf	93748	User Change
DhsComplaintDocument	2014-03-14 10:48	Create	Document 3	12-04-ICE-0194 3.pdf	93748	User Change
DhsComplaintDocument	2014-03-14 10:48	Create	Document 2	12-04-ICE-0194 2.pdf	93748	User Change
DhsComplaintDocument	2014-03-14 10:48	Create	Document Type	Closed Letter	93748	User Change
DhsComplaintDocument	2012-07-19	Delete			87384	User Change

	09:42					(b)(6)	
DhsComplaintDocument	2012-07-19 09:42	Create	Dateentered	07/19/2012	87384		User Change
DhsComplaintDocument	2012-07-19 09:42	Create	Document Type	Incoming Letter	87384		User Change
DhsComplaintDocument	2012-07-19 09:42	Create	Comments	OIG declines	87384		User Change
DhsComplaintDocument	2012-07-19 09:42	Create	Foreign Language	No	87384		User Change
DhsComplaintDocument	2012-07-19 09:42	Create	Document 1	Complaint Number 12-04-ICE-0194 is back from IG.pdf	87384		User Change
DhsComplaintDocument	2014-03-11 17:11	Create	Dateentered	03/11/2014	93707		User Change
DhsComplaintDocument	2014-03-11 17:11	Create	Foreign Language	No	93707		User Change
DhsComplaintDocument	2014-03-11 17:11	Create	Document 1	CASE# 12-04-ICE-1094 (b)(6) et al. Signed Authorizations.msg	93707		User Change
DhsComplaintDocument	2014-03-11 17:11	Create	Document 2	Signed Authorizations form for (b)(6) (b)(6) et al .pdf	93707		User Change
DhsComplaintDocument	2014-03-11 17:11	Create	Document Type	Miscellaneous Material/Other	93707		User Change
DhsComplaintDocument	2014-03-11 17:11	Create	Comments	signed letters authorizing release of information received from attorney.	93707		User Change
DhsComplaintDocument	2012-09-13 13:14	Create	Document Type	Miscellaneous Material/Other	87765		User Change
DhsComplaintDocument	2012-09-13 13:14	Create	Comments	On July 24, 2012, OPR provided a copy of this ICE Homeland Security Investigations, Significant Incident Report.	87765		User Change
DhsComplaintDocument	2012-09-13 13:14	Create	Dateentered	09/13/2012	87765		User Change
DhsComplaintDocument	2012-09-13 13:14	Create	Foreign Language	No	87765		User Change
DhsComplaintDocument	2012-09-13 13:14	Create	Document 1	2662SIR.PDF	87765		User Change
DhsComplaintIssue	2012-07-13 13:06	Create	Redirect to Subject	No	13759		User Change

DhsComplaintIssue	2012-07-13 13:06	Create	State	California - CA	13759	(b)(6)	User Change
DhsComplaintIssue	2012-07-13 13:06	Create	Ongoing	No	13759		User Change
DhsComplaintIssue	2012-07-13 13:06	Create	Incident Location Type	Residence	13759		User Change
DhsComplaintIssue	2012-07-13 13:06	Create	Primary Issue	Yes	13759		User Change
DhsComplaintIssue	2012-07-13 13:06	Create	(b)(5)	(b)(5)	13759		User Change
DhsComplaintIssue	2012-07-13 13:06	Create	Situation	DHS law enforcement activity	13759		User Change
DhsComplaintPartiesInvolved	2012-07-13 13:05	Create	First Name	(b)(6)	23288		User Change
DhsComplaintPartiesInvolved	2012-07-13 13:05	Create	Contact Type	On Behalf Of	23288		User Change
DhsComplaintPartiesInvolved	2012-07-13 13:05	Create	Comments	Attorney on behalf of the complainants	23288		User Change
DhsComplaintPartiesInvolved	2012-07-13 13:05	Create	Last Name	(b)(6)	23288		User Change

From: CRCL_DHSOIGHotline
To: (b)(6)
Cc:
Subject: RE: CRCL Complaint Number 12-05-ICE-0160
Date: Tuesday, June 26, 2012 1:29:55 PM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) [HQ.DHS.GOV]
Sent: Friday, June 22, 2012 12:45 PM
To: CRCL_DHSOIGHotline
Cc: (b)(6)
(b)(6)
Subject: CRCL Complaint Number 12-05-ICE-0160

DHS OIG,

Summary of a new complaint for your review:

On February 29 2012, CRCL received correspondence from Mrs. (b)(6). On September 28, 2011, Mrs. (b)(6) alleges her Fourth Amendment rights were violated when a police officer from Frederick County Sheriff's department and three unidentified ICE agents entered Mrs. (b)(6) home in Frederick, Maryland and conducted an unreasonable search. Prior to their entrance, they handcuffed and held Mrs. (b)(6) outside of her home while the agents searched the basement. The ICE agents claimed they were looking for Mr. (b)(6) her husband, in regards to the misuse of his identity by (b)(6). However, he was not home and after a phone conversation with him, the ICE agents continued their search of the upper half of the premises. Mrs. (b)(6) had even presented the agents with her and her husband's passports to prove their American citizenship. The ICE agents did not find anything and left the premises after conducting the search. Mrs. (b)(6) is now represented by (b)(6) from Casa de Maryland.

Thank you.

(b)(6)

Office for Civil Rights and Civil Liberties
Department of Homeland Security

202-357-(b)(6)

(b)(6)@hq.dhs.gov



**Homeland
Security**

June 22, 2012

(b)(6)
[Redacted]
Hyattsville, MD 20783
(b)(6)@casamd.org

Re: Complaint No. 12-05-ICE-0160

Dear Ms. (b)(6) [Redacted]

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your client, Mrs. (b)(6) [Redacted] written complaint on February 29, 2012. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS).

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at crcl@hq.dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,



Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Authority: 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

Purpose: The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

Routine Uses: This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ALL-029 Civil Rights and Civil Liberties Records System of Records.

Disclosure: Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to www.dhs.gov/privacy.



Department of Homeland Security (DHS)
Office for Civil Rights and Civil Liberties

Civil Rights Complaint

Fillable Version (last modified 3/15/2011)

The purpose of this form is to assist you in filing a civil rights/civil liberties complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding DHS programs and activities. This form is not intended to be used for complaints about employment with DHS. You are not required to use this form to file a complaint; a letter with the same information is sufficient. However, if you file a complaint by letter, you should include the same information that is requested in the form.

CRCL Mission:

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin (including language proficiency), religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see www.dhs.gov/eeo.)
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency?
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women Act's confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

Notes on Confidentiality and Anonymity:

- A) You may remain anonymous by not filling in your name, below. However, CRCL may not be able to investigate your complaint unless you provide enough information to conduct an investigation.
- B) Disclosure of the information you provide, including your identity, is on a "need-to-know" basis, and is discussed in the Privacy Statement at the end of this document. **IF YOU CHECK THE BOX BELOW, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct).** Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.
☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.
- C) Reprisal against complainants to CRCL is unlawful; if you feel you have been a victim of reprisal, CALL US, 1-866-644-8360.

Office for Civil Rights & Civil Liberties

FEB 29 2012

Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① **Information about the person who experienced the civil rights/civil liberties violation**

(fill in what you can)

Name: (b)(6) (b)(6)

Phone #: Cell: 240 (b)(6) Home: Work:

Please note that we may contact you at the provided numbers.

Mailing Address: (b)(6) Frederick, MD 21703

Date of Birth: (b)(6) Email (optional):

Alien Registration #. (if you have one and it's available):

☐ Check here if you are in detention now.

Which facility? Facility name Facility address

☒ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information (b)(6) @casamd.org

② **Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.**

Name: n/a First Last Job title

Organization (if any):

Phone #: Cell: Home: Work:

Mailing Address: PO Box or Street address City State Zip

③ **What happened? Describe your complaint. Give as much detail about your experience as possible.**

I wish to complain about the conduct of three ICE agents and an officer from the office of the Frederick County Sheriff who used force and intimidation to conduct an illegal search of my home.

On the morning of September 28, 2011, at about 6:45, I was in my home busy readying my children for school when I heard my doorbell ring repeatedly. I looked out the window and saw that a white van was parked in front, on the other side of our cul-de-sac and about a block away there was a police car (Frederick County Sheriff's police). I opened the door to find a police agent who was then immediately joined by three other agents wearing jackets that read: "ICE."

see continuation page

Continue on an additional page, if needed.

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

September 28, 2011, at about 6:45 am

Where did this happen?

Place (for example, name the detention facility, airport, other): my home: (b)(6) Frederick
City: Frederick State or Country: MD

④ Who treated you unfairly?

An employee, contractor, or officer of (check as many as apply):

- | | |
|--|---|
| ☒ Citizenship and Immigration Services (USCIS) | ☐ Not sure which DHS office |
| ☐ Customs and Border Protection (CBP)* | ☐ Non-DHS employee working under the authority of DHS (e.g., 287g officer) |
| ☐ Customs Officer | specify: _____ |
| ☐ Border Patrol Agent | |
| ☐ Federal Emergency Management Agency (FEMA) | |
| ☐ Immigration and Customs Enforcement (ICE) | |
| ☐ Secret Service (USSS) | |
| ☐ Transportation Security Administration (TSA)* | |
| ☐ U.S. Coast Guard (USCG) | |
| ☐ Other DHS program (specify): | |

Frederick County Police

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): (b)(6) my husband

Mailing Address: (b)(6) Frederick, MD 21703

Phone No.: 240 (b)(6) Email: _____

Names (or other information, e.g., agency): _____

Mailing Address: _____

Phone No.: _____ Email: _____

Continue on an additional page, if needed.

- ⑥ **Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?**

☐ **Yes:** Agency/Office/Court _____

Date: _____

☒ **No**

If so, has anyone responded to your complaint?

☐ **Yes** ☐ **No**

If Yes, describe what has been done to respond to your complaint:

Continue on an additional page, if needed.

- ⑦ **Is there any other information you want us to know about or consider?**

Continue on an additional page, if needed.

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.
-

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: crcl@dhs.gov

Phone: Local: 202-401-1474 or

Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470

Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security

CRCL/Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ To submit this form by email, please save, attach, and send to crcl@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to crcl@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the **types** of complaints, and **do not include personal information**. To read our past reports, go to www.dhs.gov/crcl.

To learn more about the Privacy Act go to the Federal Information Center, www.pueblo.gsa.gov.

You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.

Continue on this page, if needed.

The police officer asked for my husband and I told him he was not home. He demanded to know where my husband was and how many people lived in my house. I told him that my family lives in my home and that my husband was not home. He said he knew I was lying, that my husband was home because his car was outside and that he knew I had "too many people" in my home. One of the ICE agents said they had to see how many people live in my house because it is "illegal to have too many people living here." I told them that, "this is my property" and asked if they had a warrant to enter. They said "no," but still insisted I had to let them in.

The police officer asked if I have "papers." I told him am a citizen of that United States. He insisted I had to show him proof of that. Thinking that if I showed him my passport they would leave, I asked him to wait. I closed the door and went upstairs to get my passport. When I came back and showed it to the officers they insisted again that they needed to come inside.

I did not want the officers to come inside because of my children, (b)(6) who are 11, 10 and 8 respectively. They are very impressionable. In particular, my daughter (b)(6) is very afraid of police. I told the officers I was busy readying my children for school y that I did not want them to feel traumatized.

But the police officer and the ICE agents continued to pressure me to let them in. One of the ICE agents told me I should cooperate because I could be arrested for what I was doing. I responded: "I don't see why you can arrest me, I am in my home and I have done nothing wrong." Then the police officer pulled me outside. He pulled my arms behind my back and handcuffed me. He ushered me over to the side of the house beside the garage door and told me to stay there.

I begged and insisted that he release me so I could take care of my children; saying that I needed to feed breakfast to my son; that he would be late to school; that the children would be frightened. My neighbor came out of her house and the police officer went over to her and asked her to watch over me. I understand she told him she could not because she was busy.

An ICE officer remained with me while the others went around to the back of the house. They pounded on the back door and when my cousin, who was down in the basement opened the door, they pushed their way inside. They went through everything downstairs including the closets and the bathroom. Then they came upstairs bringing my cousin with them and they went through everything on the main floor. Then they brought me inside, still handcuffed. I said I wanted to call my husband. Since there was no phone on the main floor they removed the handcuffs so I could get the phone, upstairs. One of the officers went with me. I came downstairs with the phone and called my husband. An officer asked to speak to him. I heard the officer say to my husband that I had given them permission to come inside, that they were looking for him, that someone else was using his identity and, finally, that they were looking for (b)(6). Then one of the agents told me to get my husband's papers. I went upstairs to get my husband's passport and one of them followed me. After reviewing the passport they still insisted upon searching the rest of the house. So they let themselves upstairs, into all our bedrooms, including the one where my daughter was sleeping and went through all our things.

I was still on the phone with my husband when the officers came back downstairs. One of them asked to speak to him. I heard him say they would leave because they didn't find anything. Then as I took back the phone they made their way out of the house.

I live on a very quiet street, so I know the police vehicles, and my detention in front of me home was a source of bad attention for the neighborhood. My children were humiliated and traumatized. This entire ordeal was extremely damaging and humiliating for all of us.

Continue on this page, if needed.

G-28, Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

Part 1. Notice of Appearance as Attorney or Accredited Representative

A. This appearance is in regard to immigration matters before:

☒ USCIS - List the form number(s): CRCL Complaint
☐ CBP - List the specific matter in which appearance is entered:

☐ ICE - List the specific matter in which appearance is entered:

Complaint about Civil Rights Violation

B. I hereby enter my appearance as attorney or accredited representative at the request of:

List Petitioner, Applicant, or Respondent. **NOTE:** Provide the mailing address of Petitioner, Applicant, or Respondent being represented, and not the address of the attorney or accredited representative, except when filed under VAWA.

Principal Petitioner, Applicant, or Respondent

Name: Last First Middle

(b)(6)

A Number or Receipt
Number, if any

☐ Petitioner

☐ Applicant

☐ Respondent

Address: Street Number and Street Name Apt. No. City State Zip Code

(b)(6)

Frederick

MD

21703

Pursuant to the Privacy Act of 1974 and DHS policy, I hereby consent to the disclosure to the named Attorney or Accredited Representative of any record pertaining to me that appears in any system of records of USCIS, USC BP, or USC E.

Signature of Petitioner, Applicant, or Respondent

X

(b)(6)

Date

1-8-12

Part 2. Information about Attorney or Accredited Representative (Check applicable item(s) below)

A. ☒ I am an attorney and a member in good standing of the bar of the highest court(s) of the following State(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia: DC Court of Appeals

I am not ☒ or ☐ am subject to any order of any court or administrative agency disbarring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law (If you are subject to any order(s), explain fully on reverse side).

B. ☐ I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals pursuant to 8 CFR 1292.2. Provide name of organization and expiration date of accreditation:

C. ☐ I am associated with

The attorney or accredited representative of record previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request (If you check this item, also complete item A or B above in Part 2, whichever is appropriate).

Part 3. Name and Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

Name of Attorney or Accredited Representative

(b)(6)

Attorney Bar Number(s), if any

(b)(6)

Signature of Attorney or Accredited Representative

(b)(6)

Date

1-26-2012

Accredited Representative (Street Number and Street Name, Suite No., City, State, Zip Code)

20783

Any (Include area code)

E-Mail Address, if any

(b)(6)

@casamd.org



Homeland
Security

March 19, 2014

(b)(6)

CASA de Maryland, Inc.
8151 15th Avenue
Langley Park, MD 20783

(b)(6)

@casamd.org

Re: Complaint No. 12-05-ICE-0160, (b)(6)

Dear Ms. (b)(6)

On February 29, 2012, the Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received your complaint on behalf Ms. (b)(6) alleging that Immigration and Customs Enforcement (ICE) officers violated her civil rights and civil liberties during an enforcement operation at her home.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against DHS employees and officials concerning violations of civil rights and civil liberties. To conduct its investigation, CRCL interviewed Ms. (b)(6) and requested information from ICE pertaining to the enforcement operation in question.

After reviewing the documents, CRCL believes that work conducted by this Office on other cases is relevant to this complaint. CRCL has made policy recommendations to ICE that would address the concerns raised by Ms. (b)(6) in relation to entry without consent. CRCL will continue to work with ICE on these recommendations, and as such, is closing this complaint.

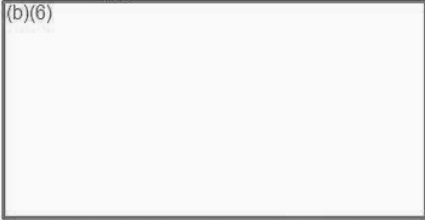
We thank you for this complaint and understand the significance of this issue. Inquiries like this help DHS meet its obligation to protect civil rights and civil liberties.

Protected by Attorney-Client and Deliberative Process Privileges

If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

(b)(6)



Acting Deputy Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Protected by Attorney-Client and Deliberative Process Privileges

TO: File

FROM: (b)(6) (legal intern)

DATE: July 2, 2013

RE: Interview of (b)(6) at the CASA de Maryland office

Below is a summary of an interview conducted of (b)(6) at the CASA de Maryland office on June 27, 2013.

About a month before the incident – Mrs. (b)(6) husband alleges that about a month before the incident he saw a white van parked outside the (b)(6) household, with one man inside. At the time, Mr. (b)(6) thought that it was suspicious.

Sometime before 6:00 am – Mrs. (b)(6) 2 brothers and 3 cousins left for work in a van. About a half-mile from their house (which they shared with Mrs. (b)(6)) ICE officers stopped them at an intersection and asked that they produce ID. Everyone did, and the officers let them leave without detaining anyone.

6:00 am – A police officer knocked on Mrs. (b)(6) door. When she opened it, 3 ICE agents, who had been hiding around the house near the garage, appeared behind the officer (in sum, there were 2 local police and approx. 6 ICE agents, but the others were initially spread out around the outside of the house). The agents had not come in a police car, but rather a white van without demarcation. None of the parties, at any time, identified themselves to Mrs. (b)(6) as ICE agents or police officers, told her their names, or offered any kind of ID. Mrs. (b)(6) discerned that they were ICE agents because it said ICE on their vests. One of the police officers, and one of the ICE agents, spoke some Spanish, and Mrs. (b)(6) could understand some of what was being said.

The police officer asked Mrs. (b)(6) to get her husband. She said that he wasn't home, but the officer said that he didn't believe her, because her husband's truck was parked outside. Mrs. (b)(6) answered that he gotten a ride with someone else. The officer asked for Mrs. (b)(6) s ID, and she went upstairs to get it. Then, the officer asked if he could enter the house. Mrs. (b)(6) asked if he had a warrant. The officer said that he didn't, but said that she had to let them in. Mrs. (b)(6) still refused the officers entry, and after repeated overtures from the police officer to let them in, an ICE agent grabbed Mrs. (b)(6) arm and pulled her out of the house. He then put her in handcuffs and made her stand in front of the garage for 15 minutes or so. The police officer asked a neighbor if he/she would watch Mrs. (b)(6) while she was outside in handcuffs, but the neighbor said that he/she was busy. Mrs. (b)(6) asked to go inside and attend to her children, but the officer told her that was the least important thing.

While Mrs. (b)(6) was handcuffed out front, the officers went around back and knocked on the basement door. When Mrs. (b)(6) cousin answered, the police officer propped open the door with his foot and the officers and agents forced their way in. 5 ICE agents and 1 police officer were ultimately inside the house. The officers searched the basement and some of the next floor (including basement there are 3 floors total). They also searched the connected garage, all while Mrs. (b)(6) was in handcuffs.

The officers then brought Mrs. (b)(6) inside to the house, where her cousin was sitting at the dining room table, and an ICE agent asked her to call her husband. She responded that she needed to have the handcuffs off to use the phone, and so the officer took them off. The agents also asked for her husband's ID. An agent followed Mrs. (b)(6) upstairs to a closet (claiming that he needed to make sure she didn't get a gun) where she got her husband's passport. After she handed it over to an ICE agent, he called someone, seemingly in reference to the passport.

Then, Mrs. (b)(6) called her husband. After she finished talking, she handed the phone over to a higher-ranking ICE agent. The ICE agent wanted her husband to return home, but her husband told him that that he was 2 to 3 hours away, and the ICE agent thought that was too long to wait. The ICE agent wanted permission to search the home, telling her husband that someone was using his name. After the ICE agent passed the phone back to Mrs. (b)(6) her husband told her to let the officers search the house, so that they would leave. Upon Mrs. (b)(6) permission, the agents searched everywhere (mainly the upstairs) in closets, rooms, etc. while Mrs. (b)(6) and her cousin waited in the kitchen with other agents. At some point, the agents told Mrs. (b)(6) that she had too many people living in her house, and that it was illegal to have that many. They also asked her cousin for his ID. Nothing was taken, and the officers did not say anything to Mrs. (b)(6) before leaving. The whole event took approximately an hour and a half. Neither Mrs. (b)(6) nor her husband has had further interaction with ICE.

Page 0684 of 1247

Withheld pursuant to exemption

(b)(5),(b)(6),(b)(7)(C)

of the Freedom of Information and Privacy Act

Page 0685 of 1247

Withheld pursuant to exemption

(b)(5),(b)(6),(b)(7)(A),(b)(7)(C)

of the Freedom of Information and Privacy Act

From: (b)(6)@hq.dhs.gov]
Sent: Tuesday, July 23, 2013 1:06 PM
To: (b)(6),(b)(7)(C) ERO CRCL
Cc:
Subject: RE: Subject: CRCL Complaint No. 12-05-ICE-0160 – Short Form Complaint

Hi (b)(6),(b)(7)(C)

I just want to check on the status of this document request. Are you still talking the case over with OPR?

Thanks!

(b)(6)

Legal Intern

Office for Civil Rights & Civil Liberties

Department of Homeland Security

Phone: (202) 357-(b)(6)

(b)(6)@hq.dhs.gov

From: (b)(6),(b)(7)(C)
Sent: Thursday, July 04, 2013 12:10 PM
To: (b)(6)
Cc: ERO CRCL
Subject: RE: Subject: CRCL Complaint No. 12-05-ICE-0160 – Short Form Complaint

Hi (b)(6)

Once I discuss this complaint with the ICE Office of Professional Responsibility we will get back to you.

Thanks and enjoy the holiday.

(b)(6),(b)(7)(C)

(A)Chief, Information Disclosure
U.S. Immigration and Customs Enforcement
HQ Office of Enforcement and Removal Operations
500 12th Street SW, Suite 2194
Washington, DC 20536
202-(b)(6),(b)(7)(C) (O)
202-(b)(6),(b)(7)(C) (M)
EROInformationDisclosure@ICE.DHS.GOV

-----Original Message-----

From: (b)(6)@hq.dhs.gov]
Sent: Wednesday, July 03, 2013 03:21 PM Eastern Standard Time
To: (b)(6),(b)(7)(C)
Cc: [REDACTED]
Subject: Subject: CRCL Complaint No. 12-05-ICE-0160 – Short Form Complaint

Good Afternoon –

The Office for Civil Rights and Civil Liberties (CRCL) received the attached complaint regarding an alleged impermissible search of Frederick County, Maryland resident (b)(6) (b)(6) house. Ms. (b)(6) alleges that ICE agents and one police officer entered her property on September 28, 2011, handcuffed her, removed her from her house, and performed an illegal search of the home.

CRCL has opened this complaint as a Short Form. As part of our investigation, I may want to speak to the complainant, ICE agents currently, or formerly, working in Frederick County, Maryland, and police officers within the Frederick County Sheriff's Department to discuss the complaint. Would you please send me a POC who can help arrange any interviews?

I also request the following documents or information:

(b)(5),(b)(6)

I would appreciate receiving the documents and information by COB Friday, July 19, 2013. Please advise if any documents or information do not exist or are not available.

Thank you for your assistance with this request and please let me know if you have any questions.

(b)(6)

Legal Intern

Office for Civil Rights & Civil Liberties

Department of Homeland Security

Phone: (202) 357-(b)(6)

(b)(6)

@hq.dhs.gov

Sender:	ERO CRCL <EROCRCL@ice.dhs.gov>
Recipient:	(b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6) dhshq.dhs.gov32>; (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6) (b)(6),(b)(7)(C) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP

	(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6),(b)(7)(C) dhs.gov>; (b)(6),(b)(7)(C) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6),(b)(7) dhs.gov>; "ERO CRCL <EROCRCL@ice.dhs.gov>"
Sent Date:	2013/07/26 08:48:05
Delivered Date:	2013/07/26 08:48:30

Generator: Microsoft Word 14 (filtered medium)



Homeland Security

To: (b)(6)
From: (b)(6)
Date: March 19, 2014
Complaint Number: 12-05-ICE-0160
Complainant Name(A#): (b)(6)

Finding(s) for Closure without Recommendations - (check all that apply):

☐ Insufficient information to investigate	☐ Allegation(s) substantiated but does not warrant recommendations
☐ Withdrawal of complaint	☐ No finding of detention standards violations
☐ Lack of jurisdiction	☐ No finding of policy or procedure violations
☒ Allegation(s) overtaken by events	☒ Complaint being handled as part of a related complaint (Related)
☐ Component and/or facility has already corrected the problem	☐ Other (provide details):
☐ Allegation(s) against component, individual, and/or facility unfounded	
☐ Allegation(s) against component, individual, and/or facility unsubstantiated	

Reason for Closing:

On February 29, 2012, CRCL received a complaint from (b)(6) an attorney at Casa de Maryland, on behalf of Ms. (b)(6) a U.S. citizen. Ms. (b)(6) alleged that her Fourth Amendment rights were violated when a police officer from the Frederick County Sheriff's Office and three ICE agents attempted an enforcement operation at her home on February 28, 2011. She stated that when the officers did not receive consent to enter, they handcuffed her and held her outside while they entered and searched the house. She said the officers were looking for Mr. (b)(6) her husband, who is also a U.S. citizen. Mr. (b)(6) was not at home and Ms. (b)(6) produced both of their U.S. passports demonstrating citizenship. While inside the home, the officers allowed Ms. (b)(6) to call her husband who informed them that he has been mistaken for his cousin, (b)(6) in the past. He further stated that he has had minimal contact with (b)(6) who he believes left the U.S. in 2010.

CRCL opened this matter as a short form complaint on June 20, 2012. After attempting for several months, CRCL was able to interview Ms. (b)(6) on June 27, 2013 at the Case de Maryland office. Additionally, CRCL made an information request to ICE on July 3, 2013. CRCL received a response to its information request on August 12, 2013.

The ICE response indicated that ICE agents and local officers from the Frederick County Sheriff's office were searching for a target. They conducted a "knock and talk" at 6:50am, Ms. (b)(6) opened the door, and stated that only she and her children were home. The agents and officers had surrounded the home and noticed that someone was in the basement. They conducted another "knock and talk," and stated that they received consent to enter the basement and search the remainder of the house. Ms. (b)(6) was apparently handcuffed and detained outside her home for making false statements to the officers when she said that only she and her children were home. Eventually they allowed her to reenter her home and she produced both her

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and her husband's passports. Officers questioned her husband over the phone and they determined that they confused Mr. (b)(6) with their target.

CRCL has made recommendations addressing Ms. (b)(6) Fourth Amendment allegations in another complaint, specifically Complaint No. 12-03-ICE-0037 in northern Alabama. CRCL recommended that:

(b)(5)

We are currently awaiting a response from ICE on those recommendations. This complaint has been linked to the Alabama complaint, and the existent recommendations will address the issue in this case. As such, I recommend closure of Ms. (b)(6) complaint.

Special Circumstances

Recommend Office of General Counsel (OGC) Review (Y/N)

If Yes- provide a brief explanation

Suggested Closure Method(s) (check all that apply):

☒ Close Letter to Complainant	☒ Close email/memo to component
☐ Phone call (a description of which is documented in Writing)	☐ High level component communication
☐ No notification necessary	☐ Close memo (No contact information)
☐ Other (provide details)	

Supporting Documents Attached:

For Completion by Reviewer:

Closure Recommendation Accepted X

Not Accepted ☐

(b)(6)

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DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-12-0406 12-05-ICE-0160 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2012-06-15 13:08	Update	Executive Summary	On February 29 2012, CRCL received correspondence from Mrs. (b)(6) On September 28, 2011, Mrs. (b)(6) alleges her Fourth Amendment rights were violated when a police officer from Frederick County Sheriff's department and three unidentifi	8390	(b)(6)	User Change
DhsComplaint	2012-06-15 13:08	Update	Summary	On February 29 2012, CRCL received correspondence from Mrs. (b)(6) On September 28, 2011, Mrs. (b)(6) alleges her Fourth Amendment rights were violated when a police officer from Frederick County Sheriff's department and three unidentifi	8390		User Change
DhsComplaint	2012-06-15 10:20	Create	Component Referenced	ICE	8390		User Change
DhsComplaint	2012-06-15 10:20	Create	Summary	On February 29 2012, CRCL received a correspondence from Mrs. (b)(6) On September 28, 2011, Mrs. (b)(6) alleges her Fourth Amendment rights were violated when a police officer from Frederick County Sheriff's department and three unidenti	8390		User Change
DhsComplaint	2012-06-15 10:20	Create	Executive Summary	On February 29 2012, CRCL received a correspondence from Mrs. (b)(6) On September 28, 2011, Mrs. (b)(6) alleges her Fourth Amendment rights were violated when a police officer from Frederick County Sheriff's department and three unidenti	8390		User Change
DhsComplaint	2012-06-15	Create	Allegation	(CR/CL) Civil	8390		User

	10:20			Rights/Civil Liberty		(b)(6)	Change
DhsComplaint	2012-06-15 10:20	Create	Days to Process	107	8390		User Change
DhsComplaint	2012-06-15 10:20	Create	Date to CRCL	02/29/2012	8390		User Change
DhsComplaint	2012-06-15 10:20	Create	Date to DHS	02/29/2012	8390		User Change
DhsComplaint	2012-06-15 10:20	Create	Date on Correspondence	02/29/2012	8390		User Change
DhsComplaint	2012-06-15 10:20	Create	Number of Complainants	1	8390		User Change
DhsComplaint	2012-06-15 10:20	Create	Sender Type	Individual	8390		User Change
DhsComplaint	2012-06-15 10:20	Create	Method of Receipt	Hand Delivered	8390		User Change
DhsComplaint	2012-06-15 10:20	Create	Entry Date	06/15/2012	8390		User Change
DhsComplaintAction	2012-06-22 12:46	Create	Action	Sent to IG	107784		User Change
DhsComplaintAction	2012-06-22 12:46	Create	Action Date	06/22/2012	107784		User Change
DhsComplaintAction	2012-06-22 12:41	Create	Comments	Per Director Jeffery Blumberg, open this matter as a short form (b)(5) (b)(6)	107782		User Change
DhsComplaintAction	2012-06-22 12:41	Create	Action	Open a Complaint	107782		User Change
DhsComplaintAction	2012-06-22 12:41	Create	Action Date	06/22/2012	107782		User Change
DhsComplaintAction	2012-11-14 11:14	Create	Action	Short Form	108815		User Change
DhsComplaintAction	2012-11-14 11:14	Create	Action Date	11/14/2012	108815		User Change
DhsComplaintAction	2012-07-06 12:19	Create	Primary Assignment	(b)(6)	107930		User Change
DhsComplaintAction	2012-07-06 12:19	Create	Action	Back from Officer	107930		User Change
DhsComplaintAction	2012-07-06 12:19	Create	Action Date	07/06/2012	107930		User Change
DhsComplaintAction	2012-07-06	Create	Comments	short form	107930		User

	12:19					(b)(6)	Change
DhsComplaintAction	2012-07-06 12:19	Create	Action	Recommendation Review	107929		User Change
DhsComplaintAction	2012-07-06 12:19	Create	Action Date	07/06/2012	107929		User Change
DhsComplaintAction	2012-06-27 08:59	Create	Action	Awaiting Recommendation	107819		User Change
DhsComplaintAction	2012-06-27 08:59	Create	Action Date	06/27/2012	107819		User Change
DhsComplaintAction	2012-06-27 08:58	Create	Document	12-05-ICE-0160 (OIG Response 6.26.12).pdf	107818		User Change
DhsComplaintAction	2012-06-27 08:58	Create	Action	IG Declines/Back from IG	107818		User Change
DhsComplaintAction	2012-06-27 08:58	Create	Action Date	06/26/2012	107818		User Change
DhsComplaintAction	2012-06-22 13:41	Create	Document	2.29.2012 12-05-ICE-0160.pdf	107785		User Change
DhsComplaintAction	2012-06-22 13:41	Create	Action	Acknowledgement Letter Sent	107785		User Change
DhsComplaintAction	2012-06-22 13:41	Create	Action Date	06/22/2012	107785		User Change
DhsComplaintAction	2014-03-19 12:17	Create	Internal Summary	On February 29, 2012, CRCL received a complaint from (b)(6) an attorney at Casa de Maryland, on behalf of Ms. (b)(6) a U.S. citizen. Ms. (b)(6) alleged that her Fourth Amendment rights were violated when a police officer f	112788		User Change
DhsComplaintAction	2014-03-19 12:17	Create	Action Date	03/19/2014	112788		User Change
DhsComplaintAction	2014-03-19 12:17	Create	Action	Closed - Short Form/No Further Action	112788		User Change
DhsComplaintAction	2014-03-19 12:17	Create	Reporting Summary	On February 29, 2012, CRCL received a complaint from a complainant who alleged her Fourth Amendment rights were violated during an attempted ICE enforcement at her home in February, 2011. CRCL interviewed the complainant and	112788		User Change

				requested and reviewed info		(b)(6)	
DhsComplaintDocument	2014-03-19 12:09	Create	Dateentered	03/19/2014	93810		User Change
DhsComplaintDocument	2014-03-19 12:09	Create	Foreign Language	No	93810		User Change
DhsComplaintDocument	2014-03-19 12:09	Create	Document 1	SF Close Memo Complaint No 12-05-ICE-0160.pdf	93810		User Change
DhsComplaintDocument	2014-03-19 12:09	Create	Document Type	Final Report	93810		User Change
DhsComplaintDocument	2014-03-19 12:09	Create	Dateentered	03/19/2014	93809		User Change
DhsComplaintDocument	2014-03-19 12:09	Create	Foreign Language	No	93809		User Change
DhsComplaintDocument	2014-03-19 12:09	Create	Document 1	Close Letter Complaint No 12-05-ICE-0160.pdf	93809		User Change
DhsComplaintDocument	2014-03-19 12:09	Create	Document Type	Closed Letter	93809		User Change
DhsComplaintDocument	2014-03-19 12:08	Create	Dateentered	03/19/2014	93808		User Change
DhsComplaintDocument	2014-03-19 12:08	Create	Foreign Language	No	93808		User Change
DhsComplaintDocument	2014-03-19 12:08	Create	Document 1	DRAFT Notes from Mrs (b)(6) interview 12-05-ICE-0160 (2).docx	93808		User Change
DhsComplaintDocument	2014-03-19 12:08	Create	Document 2	Frederick (12-05-ICE-0160).msg	93808		User Change
DhsComplaintDocument	2014-03-19 12:08	Create	Document Type	Investigative Material	93808		User Change
DhsComplaintDocument	2014-03-19 12:06	Create	Dateentered	03/19/2014	93807		User Change
DhsComplaintDocument	2014-03-19 12:06	Create	Foreign Language	No	93807		User Change
DhsComplaintDocument	2014-03-19 12:06	Create	Document 1	Subject CRCL Complaint No. 12-05-ICE-0160 Short Form Complaint.msg	93807		User Change
DhsComplaintDocument	2014-03-19 12:06	Create	Document Type	Short Form Notification Letter	93807		User Change
DhsComplaintDocument	2012-06-22 13:40	Create	Foreign Language	No	87043		User Change
DhsComplaintDocument	2012-06-22	Create	Document Type	Acknowledgement	87043		User

	13:40			Letter		(b)(6)	Change
DhsComplaintDocument	2012-06-22 13:40	Create	Document 1	2.29.2012 12-05-ICE-0160.pdf	87043		User Change
DhsComplaintDocument	2012-06-22 13:40	Create	Dateentered	06/22/2012	87043		User Change
DhsComplaintDocument	2012-06-15 10:20	Create	Foreign Language	No	86928		User Change
DhsComplaintDocument	2012-06-15 10:20	Create	Dateentered	06/15/2012	86928		User Change
DhsComplaintDocument	2012-06-15 10:20	Create	Document 1	2.29.2012 (b)(6) pdf	86928		User Change
DhsComplaintDocument	2012-06-15 10:20	Create	Document Type	Incoming Letter	86928		User Change
DhsComplaintIssue	2012-06-15 10:38	Create	State	Maryland - MD	13608		User Change
DhsComplaintIssue	2012-06-15 10:38	Create	Incident Date	09/28/2011	13608		User Change
DhsComplaintIssue	2012-06-15 10:38	Create	Redirect to Subject	No	13608		User Change
DhsComplaintIssue	2012-06-15 10:38	Create	Situation	DHS law enforcement activity	13608		User Change
DhsComplaintIssue	2012-06-15 10:38	Create	(b)(5)	(b)(5)	13608		User Change
DhsComplaintIssue	2012-06-15 10:38	Create	Ongoing	No	13608		User Change
DhsComplaintIssue	2012-06-15 10:38	Create	City	Frederick	13608		User Change
DhsComplaintIssue	2012-06-15 10:38	Create	Primary Issue	Yes	13608		User Change
DhsComplaintIssue	2012-06-15 10:38	Create	Incident Location Type	Residence	13608		User Change
DhsComplaintPartiesInvolved	2012-06-15 14:02	Update	Organization		23130		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:24	Create	Last Name	(b)(6)	23131		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:24	Create	Phone	240-(b)(6)	23131		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:24	Create	Contact Type	Attorney	23131		User Change
	2012-			Mrs. (b)(6) wrote the complaint on her			

DhsComplaintPartiesInvolved	06-15 10:24	Create	Comments	own, but she is represented by this attorney.	23131	(b)(6)	User Change
DhsComplaintPartiesInvolved	2012-06-15 10:24	Create	Email	(b)(6)@casamd.org	23131		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:24	Create	Prefix	Atty	23131		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:24	Create	First Name	(b)(6)	23131		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:22	Create	Last Name	(b)(6)	23130		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:22	Create	Phone	240 (b)(6)	23130		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:22	Create	Contact Type	Sender	23130		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:22	Create	Organization	ICE	23130		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:22	Create	Sender Anonymous	No	23130		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:22	Create	City	Frederick	23130		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:22	Create	Address Type	Home	23130		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:22	Create	Prefix	Mrs	23130		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:22	Create	Zip Code	21703	23130		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:22	Create	State	Maryland - MD	23130		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:22	Create	First Name	(b)(6)	23130		User Change
DhsComplaintPartiesInvolved	2012-06-15 10:22	Create	Address Line 1	(b)(6)	23130		User Change

From: (b)(6)
To:
Subject: FW: CRCL Complaint Number 12-06-ICE-0105
Date: Monday, April 16, 2012 9:43:57 AM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) @HQ.DHS.GOV]
Sent: Friday, April 13, 2012 1:03 PM
To: (b)(6)
Cc:
Subject: RE: CRCL Complaint Number 12-06-ICE-0105

Incident Location:

(b)(6)
Irving, Texas 75061

Thank you

(b)(6)
Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357-(b)(6) (phone)
(202) (b)(6) bb)
(b)(6) @hq.dhs.gov

From: (b)(6)
Sent: Friday, April 13, 2012 12:50 PM
To: (b)(6)
Subject: RE: CRCL Complaint Number 12-06-ICE-0105

Can you please provide the location of the incident?

Thank you,

(b)(6)

Investigator
DHS-OIG INV

(202)(b)(6)

From: (b)(6) @HQ.DHS.GOV]

Sent: Friday, April 13, 2012 10:25 AM

To: (b)(6)

Cc:

Subject: CRCL Complaint Number 12-06-ICE-0105

(b)(6)

Summary of new complaint for your review:

On March 26, 2012, CRCL received email correspondence from Mr. (b)(6) a U.S. Citizen (USC), alleging that on March 24, 2012 around 7:30 am, 5 or 6 ICE agents arrived at his residence looking for a fugitive. Mr. (b)(6) consented to allowing ICE to search inside his home, but Mr. (b)(6) states that he noticed after the agents left that they had also searched his car (automobile) leaving all of his paper work thrown on the passenger side of the vehicle. Mr. (b)(6) states that he did not consent to a car search.

Thank you

(b)(6)

Program Analyst
Compliance Branch
Office for Civil Rights & Civil Liberties
Department of Homeland Security

Warning: This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.



Homeland
Security

September 18, 2012

(b)(6)

Irving, Texas 75061

Re: Complaint No. 12-06-ICE-0105

Dear Mr. (b)(6)

This letter is a follow-up in response to the complaint you sent to the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL), dated March 26, 2012, alleging that U.S. Immigration and Customs Enforcement (ICE) officers searched your vehicle without your consent on March 24, 2012.

On June 1, 2012, this Office referred your complaint to the ICE Office of Professional Responsibility (OPR) to conduct an investigation concerning your allegation. On September 5, 2012, OPR provided the closing report, dated August 23, 2012, to this Office. As part of their investigation, OPR interviewed you and the ICE officers whom you alleged searched your vehicle without your consent. On March 24, 2012, the ICE officers were conducting an official investigation and were lawfully at your residence on that day. During your interview with the OPR staff, you indicated that you gave the officers verbal consent to search your residence. You also stated in your interview with the OPR staff that you had not seen any officers search your vehicle, but you believed the officers did search your vehicle, rummaged through the documents in the glove box and found your wife's address. OPR also interviewed all of the officers involved in the operation and they all indicated that they had not searched, nor had they seen anybody search any vehicle while at your residence on March 24, 2012.

Based on these facts, ICE OPR did not substantiate the allegation that your vehicle was searched by ICE officers. As a result, we are closing this complaint.

If you have additional information or allegations regarding inappropriate treatment by officials of the Department, do not hesitate to provide the information. Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Blumberg".

Jeffrey S. Blumberg
Director, Compliance Branch

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
COMPLAINT WITHOUT RECOMMENDATIONS
CLOSURE MEMORANDUM

To: Jeffrey Blumberg
From: (b)(6)
Date: September 18, 2012
Complaint Number: 12-06-ICE-0105
Complainant Name (Alien Number): (b)(6)

Reason(s) for Closure without Recommendations (check all that apply):

- | | |
|---|--|
| ☐ Insufficient information to investigate
☐ Withdrawal of complaint
☐ Lack of jurisdiction
☐ Allegation(s) untimely/overtaken by events
☐ Component and/or facility has already corrected the problem
☒ Allegation(s) against component, individual, and/or facility unfounded or unsubstantiated | ☐ Allegation(s) substantiated but does not warrant recommendations
☐ No finding of detention standards violations
☐ No finding of policy or procedure violations
☐ Complaint added to information layer and closed (linked)
☐ Complaint being handled as part of another related complaint (related)
☐ Other (provide details): |
|---|--|

Complaint Synopsis and Explanation of Closing Rationale:

On March 26, 2012, CRCL received a complaint from Mr. (b)(6) who is a United States Citizen, alleging that on March 24, 2012, at approximately 7:30 am, U.S. Immigration and Customs Enforcement (ICE) officers arrived at his residence looking for a fugitive. In his complaint, Mr. (b)(6) stated that he consented to allowing the ICE officers to search his residence in connection with an ICE investigation seeking the apprehension of his brother. In his complaint, Mr. (b)(6) alleges that after the ICE officers left his house on March 24, 2012, he discovered that paperwork had been removed from the glove box and placed on the seat of his vehicle, which was parked at his residence. Mr. (b)(6) stated he received a phone call from his estranged wife who told him the agents were also at her house. Mr. (b)(6) alleged that the ICE officers violated his civil rights by searching his vehicle without his consent.

On June 1, 2012, CRCL referred Mr. (b)(6) complaint to DHS/Office of Professional Responsibility (OPR) for investigation. On September 5, 2012, OPR provided the closing report, dated August 23, 2012, to CRCL. In OPR's report, it was revealed that four ERO officers and one HSI agent were conducting an official investigation, which CRCL later determined to be the Operation Cross Check operation, and were lawfully at Mr. (b)(6) residence on March 24, 2012.

Mr. (b)(6) acknowledged both in his written complaint and his interview with OPR staff that he gave the officers verbal consent to search his residence. He also stated in his interview with the OPR staff that he had not seen any officers search his vehicle, but he believed the officers did search his vehicle, rummaged through the documents in the glove box and found his estranged wife's address.

Protected by the Deliberative Process Privilege

As part of their investigation, OPR received a copy of the Fugitive Operations Worksheet (FOW), which indicated that as early as March 12, 2012, the officers knew of the estranged wife's address. Additionally, OPR interviewed all of the officers involved in the operation and they all indicated that they had not searched, nor had they seen anybody search any vehicle while at Mr. (b)(6) residence on March 24, 2012.

During their investigation, OPR found no evidence indicating Mr. (b)(6) vehicle was searched by ICE officers. Based on the information gathered during the investigation, I recommend that we close the complaint with a letter to the complainant indicating that the matter is closed without recommendations.

Suggested Closure Method(s) (*check all that apply*):

- | | |
|---|--|
| ☒ Close letter to complainant | ☐ Close email/memo to component |
| ☐ Phone call | ☐ High level component communication |
| ☐ No notification necessary | ☐ Close Memo (No contact information) ¹ |
| ☐ Other (<i>provide details</i>): | |

Comments (*optional*):

For Completion by Reviewer:

Closure Recommendation Accepted _____ 

Closure Recommendation Not Accepted _____

Further Action Required: _____

¹ Typically this occurs when a complainant has been removed from the United States and no contact information is available.

From: (b)(6)@dfps.state.tx.us
To: crcl@dhs.gov
Date: Monday, March 26, 2012 11:33:39 AM
Attachments: 3SW28_002.PDF

I can be contacted at:

(b)(6)

Irving, Texas 75061
#214 (b)(6)

CONFIDENTIALITY NOTICE: This communication is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you have received this email in error please notify the sender by email, delete and destroy this message and its attachments. If you are not the intended recipient, you are notified that any use, dissemination, distribution, or copying of the communication is strictly prohibited.



Department of Homeland Security (DHS)
Office for Civil Rights and Civil Liberties

Civil Rights Complaint

Fillable Version (last modified 3/15/2011)

The purpose of this form is to assist you in filing a civil rights/civil liberties complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding DHS programs and activities. This form is not intended to be used for complaints about employment with DHS. You are not required to use this form to file a complaint; a letter with the same information is sufficient. However, if you file a complaint by letter, you should include the same information that is requested in the form.

CRCL Mission:

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin (including language proficiency), religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see www.dhs.gov/eeo.)
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency?
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women Act's confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

Notes on Confidentiality and Anonymity:

- A)** You may remain anonymous by not filling in your name, below. However, CRCL may not be able to investigate your complaint unless you provide enough information to conduct an investigation.
- B)** Disclosure of the information you provide, including your identity, is on a "need-to-know" basis, and is discussed in the Privacy Statement at the end of this document. **IF YOU CHECK THE BOX BELOW, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct).** Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.
☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place
- C)** Retaliation against complainants to CRCL is unlawful; if you feel you have been a victim of reprisal, CALL US 1 866 614 5363

Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① Information about the person who experienced the civil rights/civil liberties violation

(fill in what you can)

Name: (b)(6)

First and Middle

Last

Phone #: Cell: 214-(b)(6) Home: _____ Work: 214-(b)(6)

Please note that we may contact you at the provided numbers.

Mailing Address: (b)(6) Irving, Texas 75061

PO Box or Street address

City

State

Zip

Date of Birth: (b)(6) Email (optional): (b)(6)@yahoo.com

Alien Registration #. (if you have one and it's available): U.S. Citizen

☐ Check here if you are in detention now.

Which facility? _____

Facility name

Facility address

☐ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information _____

② Are you filling in this complaint form on behalf of another individual? If yes, please provide *your* information.

Name: _____

First

Last

Job title

Organization (if any): _____

Phone #: Cell: _____ Home: _____ Work: _____

Mailing Address: _____

PO Box or Street address

City

State

Zip

③ What happened? Describe your complaint. Give as much detail about your experience as possible.

On 03/24/2012 5 or 6 agents went to my residents at 7:30 AM in the morning. My address is (b)(6) Irving, Texas 75061. Ice agents also show up at my wife's address (b)(6) Cedar Hill, Texas looking for a fugitive after they left my residents. At this time me and my wife are separated and I have move home to my mother's home. This home is under my name. I was informed by Ice Agent that they wanted to come inside to look for a fugitive and they show me pictures of person that allegedly has use my resident address in fraud. I agreed for them to conduct a search inside my home. After, the agents left I notice that my car was illegally search without me giving consent. All my paper work was thrown on the passenger side. I did not consent for my auto to be search, as they informed they were looking for a fugitive in the home. My wife called me a hour later and informed me that they went to her home and were looking for my Brother (b)(6) DOB (b)(6) I feel that I was misled by ICE agents and civil rights were violated. I am requesting a official complaint with your office.

Continue on an additional page, if needed.

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

Incident Occur on 03/24/2012

Address:

(b)(6)

Irving, Texas 75061

Where did this happen?

Place *(for example, name the detention facility, airport, other):* _____

City: Irving

State or Country: Texas

④ Who treated you unfairly?

An employee, contractor, or officer of *(check as many as apply):*

☐ Citizenship and Immigration Services (USCIS)

☐ Customs and Border Protection (CBP)*

☐ Customs Officer

☐ Border Patrol Agent

☐ Federal Emergency Management Agency (FEMA)

☒ Immigration and Customs Enforcement (ICE)

☐ Secret Service (USSS)

☐ Transportation Security Administration (TSA)*

☐ U.S. Coast Guard (USCG)

☐ Other DHS program *(specify)* :

☐ Not sure which DHS office

☐ Non-DHS employee working under the authority of DHS (e.g., 287g officer)

specify: _____

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): _____

Mailing Address: _____

PO Box or Street address

City

State or Country

Zip

Phone No.: _____

Email: _____

Names (or other information, e.g., agency): _____

Mailing Address: _____

PO Box or Street address

City

State or Country

Zip

Phone No.: _____

Email: _____

Continue on an additional page, if needed.

- ⑥ Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?

☒ Yes: Agency/Office/Court DHS Office for Civil Rights and Civil Liberties

Date: 03/26/2012

☐ No

If so, has anyone responded to your complaint?

☐ Yes ☒ No

If Yes, describe what has been done to respond to your complaint:

Continue on an additional page, if needed.

- ⑦ Is there any other information you want us to know about or consider?

Continue on an additional page, if needed.

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.
-

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: crcl@dhs.gov

Phone: Local: 202-401-1474 or

Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470

Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security

CRCL/Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ To submit this form by email, please save, attach, and send to crcl@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to crcl@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the **types** of complaints, and **do not include personal information**. To read our past reports, go to www.dhs.gov/crcl.

To learn more about the Privacy Act go to the Federal Information Center, www.pueblo.gsa.gov.

You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.

Continue on this page, if needed.

Continue on this page, if needed.



**Homeland
Security**

April 13, 2012
Via Electronic Mail

(b)(6)
@dfps.state.tx.us

Re: Complaint No. 12-06-ICE-0105

Dear Mr. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on March 26, 2012. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at crcl@hq.dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,



Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to www.dhs.gov/crcl. To learn more about the Privacy Act, go to the Federal Information Center, www.pueblo.gsa.gov.



Homeland
Security

June 1, 2012

(b)(6)

Irving, TX 75061

Re: Complaint No. 12-06-ICE-0105

Dear Mr. (b)(6)

The Office for Civil Rights and Civil Liberties received information from you on March 26, 2012, concerning your allegation that U.S. Immigration and Customs Enforcement (ICE) Officers searched your vehicle without your consent on March 24, 2012.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against Department of Homeland Security (DHS) employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion.

This Office takes allegations of violations of civil rights and civil liberties very seriously. We have determined that your allegations should be investigated by ICE, a component of DHS, which will report its findings to this Office. ICE will conduct an investigation into your allegations regarding the vehicle search without consent.

We will review ICE's findings and assess compliance with civil rights requirements in these areas. The purpose of this process is to determine if your allegations raise issues that should and can be addressed by the management of DHS.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

ICE or CRCL will contact you if additional information is needed or to report on the Department's review of this matter. If you have any questions concerning this referral, you may

contact CRCL by phone at 866-644-8360, 866-644-8361 (TTY), or by email at crcl@hq.dhs.gov. When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

We thank you for your complaint; inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how the Department concluded this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



Homeland
Security

June 1, 2012

MEMORANDUM FOR:

(b)(6),(b)(7)(C)

Deputy Division Director, Investigative Support Unit
Office of Professional Responsibility
U.S. Immigration and Customs Enforcement

Peter S. Vincent
Principal Legal Advisor
U.S. Immigration and Customs Enforcement

FROM:

Jeffrey S. Blumberg 
Director, Compliance Branch
Office for Civil Rights and Civil Liberties

(b)(6)

Attorney Advisor
Office of General Counsel

SUBJECT: Complaint No. 12-06-ICE-0105

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that ICE has violated an individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and to inform you that we are referring this complaint to ICE for investigation. We request that the appropriate office within your component complete an inquiry into the enclosed complaint within 180 days of the date of this referral. Please see the attached Referred Complaint Assistance Form for guidance regarding this inquiry.

CRCL authorities. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in Department of Homeland Security (DHS) Management Directive 3500. We have received information concerning the above listed complaint that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

Protected by Attorney-Client and Deliberative Process Privileges

Access to information. More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview persons and obtain other information deemed by CRCL to be relevant and require[e] cooperation by all agency employees”; and
- “Access documents and files that may have information deemed by CRCL to be relevant.”

Reprisals forbidden. In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

Privilege and required transparency. Our communications with ICE personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.”

When the inquiry is complete, please contact CRCL with your component’s findings and recommendations. CRCL will review the matter in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed this complaint, and will provide you with any recommendations resulting from this complaint.

If you have any questions concerning this referral, please do not hesitate to contact my colleague, (b)(6) by phone at 202-357-(b)(6) or by email at (b)(6)@hq.dhs.gov.

Protected by Attorney-Client and Deliberative Process Privileges

Copies to:

(b)(6),(b)(7)(C)

Acting Chief of Staff
Office of Professional Responsibility
U.S. Immigration and Customs Enforcement
(b)(6),(b)(7)(C)@dhs.gov

(b)(6),(b)(7)(C)

Group Supervisor
Office of Professional Responsibility
U.S. Immigration and Customs Enforcement
(b)(6),(b)(7)(C)@ice.dhs.gov

Enclosure

Protected by Attorney-Client and Deliberative Process Privileges



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
REFERRED COMPLAINT ASSISTANCE FORM

REFERRED COMPLAINT ASSISTANCE	
Assigned To:	U.S. Immigration and Customs Enforcement (ICE)
Requested From:	DHS Headquarters Office for Civil Rights and Civil Liberties (CRCL)
POC:	(b)(6) 202-357-(b)(6) (b)(6) @hq.dhs.gov
Date Referred to ICE:	June 1, 2012
Deadline to CRCL:	Within 180 days of the date above.
CRCL Complaint No:	12-06-ICE-0105 (b)(6)
SYNOPSIS	
On March 26, 2012, CRCL received a complaint from Mr. (b)(6) who is a United States Citizen, alleging that on March 24, 2012, at approximately 7:30 am, U.S. Immigration and Customs Enforcement (ICE) agents arrived at his residence looking for a fugitive. In his complaint, Mr. (b)(6) stated that he consented to allowing the ICE agents to search inside his home; however, he noticed after the ICE agents left that they had searched his vehicle. Mr. (b)(6) stated he did not consent to a vehicle search. CRCL later determined the ICE agents were ICE/Enforcement and Removal Operations (ERO) officers, conducting an Operation Cross Check operation.	
ISSUES/ALLEGATIONS	
Issues/Allegations to be addressed in ICE's Fact Finding Report/ROI submitted to DHS CRCL:	• (b)(5),(b)(6) • • •
Information/Documents requested by DHS CRCL:	• • •

*Protected by Attorney-Client and Deliberative Process Privileges
Law Enforcement Sensitive*

From: (b)(6)
Sent: Friday, June 01, 2012 12:31 PM
To: (b)(6),(b)(7)(C) Vincent, Peter S
Cc: (b)(6) CRCLCompliance; (b)(6)
Subject: DHS CRCL Referral Documents Complaint No. 12-06-ICE-0105

Hello Deputy Division Director (b)(6),(b)(7)(C) and Principal Legal Advisor Peter S. Vincent:

Please find attached the CRCL correspondence in reference to Complaint Number 12-06-ICE-0105.

Thank you,

(b)(6) -----

*Complaints Manager
Office for Civil Rights and Civil Liberties
Department of Homeland Security
Washington, DC 20528
Phone: (202) 357-(b)(6)
Fax: (202) 401-4708*



**Homeland
Security**

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-12-0286 12-06-ICE-0105

(b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2012-04-13 10:20	Create	Component Referenced	ICE	8250	(b)(6)	User Change
DhsComplaint	2012-04-13 10:20	Create	Summary	On March 26, 2012, CRCL received email correspondence from Mr. (b)(6) a U.S. Citizen (USC), alleging that on March 24, 2012 around 7:30 am, 5 or 6 ICE agents arrived at his residence looking for a fugitive. Mr. (b)(6) consented to allowing ICE to	8250		User Change
DhsComplaint	2012-04-13 10:20	Create	Executive Summary	On March 26, 2012, CRCL received email correspondence from Mr. (b)(6) a U.S. Citizen (USC), alleging that on March 24, 2012 around 7:30 am, 5 or 6 ICE agents arrived at his residence looking for a fugitive. Mr. (b)(6) consented to allowing ICE to	8250		User Change
DhsComplaint	2012-04-13 10:20	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	8250		User Change
DhsComplaint	2012-04-13 10:20	Create	Days to Process	18	8250		User Change
DhsComplaint	2012-04-13 10:20	Create	Date to CRCL	03/26/2012	8250		User Change
DhsComplaint	2012-04-13 10:20	Create	Date to DHS	03/26/2012	8250		User Change
DhsComplaint	2012-04-13 10:20	Create	Date on Correspondence	03/26/2012	8250		User Change
DhsComplaint	2012-04-13 10:20	Create	Sender Type	Individual	8250		User Change
DhsComplaint	2012-04-13 10:20	Create	Method of Receipt	Email	8250		User Change
DhsComplaint	2012-04-13 10:20	Create	Entry Date	04/13/2012	8250		User Change
DhsComplaintAction	2012-09-19 10:21	Create	Reporting Summary	On March 26, 2012, CRCL received a complaint from Mr. (b)(6) who is a United States Citizen, alleging that on March 24, 2012, ICE officers arrived at his residence looking for a fugitive. In his complaint, Mr. (b)(6) stated that he consented to a	108344		User Change
DhsComplaintAction	2012-09-19 10:21	Create	Internal Summary	On March 26, 2012, CRCL received a complaint from Mr. (b)(6) who is a United States Citizen, alleging that on March 24, 2012, ICE officers arrived at his residence looking for a fugitive. In his complaint, Mr. (b)(6) stated that he consented to a	108344		User Change
DhsComplaintAction	2012-09-19 10:21	Create	Action	Closed - Referred/No Further Action	108344		User Change

DhsComplaintAction	2012-09-19 10:21	Create	Action Date	09/19/2012	108344	(b)(6)	User Change
DhsComplaintAction	2012-06-01 12:26	Update	Document	CRCL Referral Complaint Form 12-06-ICE-0105.pdf	107454		User Change
DhsComplaintAction	2012-06-01 12:26	Update	Document		107454		User Change
DhsComplaintAction	2012-06-01 12:23	Update	Action Date	06/01/2012	107454		User Change
DhsComplaintAction	2012-06-01 12:23	Update	Action	Referred	107454		User Change
DhsComplaintAction	2012-06-01 12:23	Update	Document	CRCL Referred Complaint Form 12-07-ICE-0112.pdf	107454		User Change
DhsComplaintAction	2012-04-25 11:56	Create	Action Date	04/25/2012	107454		User Change
DhsComplaintAction	2012-04-25 11:56	Create	Action	Short Form	107454		User Change
DhsComplaintAction	2012-04-17 13:55	Create	Primary Assignment	(b)(6)	107407		User Change
DhsComplaintAction	2012-04-17 13:55	Create	Action Date	04/17/2012	107407		User Change
DhsComplaintAction	2012-04-17 13:55	Create	Action	Back from Officer	107407		User Change
DhsComplaintAction	2012-04-17 13:55	Create	Comments	Short Form	107407		User Change
DhsComplaintAction	2012-04-17 13:55	Create	Action Date	04/17/2012	107406		User Change
DhsComplaintAction	2012-04-17 13:55	Create	Action	Recommendation Review	107406		User Change
DhsComplaintAction	2012-04-17 11:25	Create	Action Date	04/17/2012	107388		User Change
DhsComplaintAction	2012-04-17 11:25	Create	Action	Awaiting Recommendation	107388		User Change
DhsComplaintAction	2012-04-17 11:25	Create	Comments	Per Deputy Director (b)(6) (b)(6) open this matter as a short form complaint assigned to (b)(6)	107388		User Change
DhsComplaintAction	2012-04-17 11:25	Create	Document	12-06-ICE-0105 (OIG Response 4.16.2012).pdf	107387		User Change
DhsComplaintAction	2012-04-17 11:25	Create	Action Date	04/16/2012	107387		User Change
DhsComplaintAction	2012-04-17 11:25	Create	Action	IG Declines/Back from IG	107387		User Change
DhsComplaintAction	2012-04-13 10:32	Create	Document	3.26.2012 12-06-ICE-0105 (email).pdf	107374		User Change
DhsComplaintAction	2012-04-13 10:32	Create	Action Date	04/13/2012	107374		User Change
	2012-						User

DhsComplaintAction	04-13 10:32	Create	Action	Acknowledgement Letter Sent	107374	(b)(6)	Change
DhsComplaintAction	2012-04-13 10:25	Create	Action Date	04/13/2012	107373		User Change
DhsComplaintAction	2012-04-13 10:25	Create	Action	Sent to IG	107373		User Change
DhsComplaintAction	2012-04-13 10:24	Create	Action Date	04/05/2012	107372		User Change
DhsComplaintAction	2012-04-13 10:24	Create	Action	Open a Complaint	107372		User Change
DhsComplaintAction	2012-04-13 10:24	Create	Comments	Per Deputy Director (b)(6) (b)(6) open this matter as a short form complaint assigned to (b)(6) (b)(5),(b)(6)	107372		User Change
DhsComplaintDocument	2012-06-01 12:43	Update	Document 2	CRCL Referral email of docs for complaint 12-06-ICE-0105.pdf	86823		User Change
DhsComplaintDocument	2012-04-13 10:21	Create	Foreign Language	No	86467		User Change
DhsComplaintDocument	2012-04-13 10:21	Create	Document Type	Incoming Letter	86467		User Change
DhsComplaintDocument	2012-04-13 10:21	Create	Document 1	3 26 2012 (b)(6) pdf	86467		User Change
DhsComplaintDocument	2012-04-13 10:21	Create	Dateentered	04/13/2012	86467		User Change
DhsComplaintDocument	2012-06-01 12:25	Create	Document 1	CRCL Referral memo 12-06-ICE- 0105.pdf	86823		User Change
DhsComplaintDocument	2012-06-01 12:25	Create	Dateentered	06/01/2012	86823		User Change
DhsComplaintDocument	2012-06-01 12:25	Create	Document Type	Referral Memo	86823		User Change
DhsComplaintDocument	2012-06-01 12:25	Create	Foreign Language	No	86823		User Change
DhsComplaintDocument	2012-06-01 12:25	Create	Document 1	CRCL Complainant letter 12-06- ICE-0105.pdf	86822		User Change
DhsComplaintDocument	2012-06-01 12:25	Create	Dateentered	06/01/2012	86822		User Change
DhsComplaintDocument	2012-06-01 12:25	Create	Document Type	Referral Letter	86822		User Change
DhsComplaintDocument	2012-06-01 12:25	Create	Foreign Language	No	86822		User Change
DhsComplaintDocument	2012-09-19 10:01	Create	Document Type	Closed Letter	87837		User Change
DhsComplaintDocument	2012-09-19 10:01	Create	Document 2	12-06-ICE-0105 - CRCL Closed Letter Complaint.pdf	87837		User Change

DhsComplaintDocument	2012-09-19 10:01	Create	Dateentered	09/19/2012	87837	(b)(6)	User Change
DhsComplaintDocument	2012-09-19 10:01	Create	Foreign Language	No	87837		User Change
DhsComplaintDocument	2012-09-19 10:01	Create	Document 1	12-06-ICE-0105 Short form closure memo.pdf	87837		User Change
DhsComplaintDocument	2012-09-07 12:31	Create	Document Type	Investigative Material	87755		User Change
DhsComplaintDocument	2012-09-07 12:31	Create	Document 2	201209625-Exhibits.pdf	87755		User Change
DhsComplaintDocument	2012-09-07 12:31	Create	Dateentered	09/07/2012	87755		User Change
DhsComplaintDocument	2012-09-07 12:31	Create	Foreign Language	No	87755		User Change
DhsComplaintDocument	2012-09-07 12:31	Create	Document 1	AIR 201209625.out	87755		User Change
DhsComplaintDocument	2012-09-07 12:30	Create	Document Type	Referral Letter	87754		User Change
DhsComplaintDocument	2012-09-07 12:30	Create	Document 2	CRCL Referral memo 12-06-ICE-0105.pdf	87754		User Change
DhsComplaintDocument	2012-09-07 12:30	Create	Dateentered	09/07/2012	87754		User Change
DhsComplaintDocument	2012-09-07 12:30	Create	Foreign Language	No	87754		User Change
DhsComplaintDocument	2012-09-07 12:30	Create	Document 1	CRCL Referral Complaint Form 12-06-ICE-0105.pdf	87754		User Change
DhsComplaintIssue	2012-07-17 11:35	Update	Incident Location	(b)(6), Non Responsive	13462		User Change
DhsComplaintIssue	2012-04-13 10:27	Create	City	Irving	13462		User Change
DhsComplaintIssue	2012-04-13 10:27	Create	Incident Location Type	Residence	13462		User Change
DhsComplaintIssue	2012-04-13 10:27	Create	Incident Location	(b)(6)	13462		User Change
DhsComplaintIssue	2012-04-13 10:27	Create	(b)(5)	(b)(5)	13462		User Change
DhsComplaintIssue	2012-04-13 10:27	Create	Incident Date	03/24/2012	13462		User Change
DhsComplaintIssue	2012-04-13 10:27	Create	Primary Issue	Yes	13462		User Change
DhsComplaintIssue	2012-04-13 10:27	Create	Redirect to Subject	No	13462		User Change
DhsComplaintIssue	2012-04-13 10:27	Create	Ongoing	No	13462		User Change
	2012-						User

DhsComplaintIssue	04-13 10:27	Create	Situation	DHS law enforcement activity	13462	(b)(6)	Change
DhsComplaintIssue	2012- 04-13 10:27	Create	State	Texas - TX	13462		User Change
DhsComplaintPartiesInvolved	2012- 04-13 10:30	Create	Prefix	Mr	22855		User Change
DhsComplaintPartiesInvolved	2012- 04-13 10:30	Create	Contact Type	Sender	22855		User Change
DhsComplaintPartiesInvolved	2012- 04-13 10:30	Create	Address Line 1	(b)(6)	22855		User Change
DhsComplaintPartiesInvolved	2012- 04-13 10:30	Create	Alt Email	(b)(6)@yahoo.com	22855		User Change
DhsComplaintPartiesInvolved	2012- 04-13 10:30	Create	Phone	214-(b)(6)	22855		User Change
DhsComplaintPartiesInvolved	2012- 04-13 10:30	Create	City	Irving	22855		User Change
DhsComplaintPartiesInvolved	2012- 04-13 10:30	Create	Last Name	(b)(6)	22855		User Change
DhsComplaintPartiesInvolved	2012- 04-13 10:30	Create	First Name	(b)(6)	22855		User Change
DhsComplaintPartiesInvolved	2012- 04-13 10:30	Create	Email	(b)(6)@dfps.state.tx.us	22855		User Change
DhsComplaintPartiesInvolved	2012- 04-13 10:30	Create	Zip Code	75061	22855		User Change
DhsComplaintPartiesInvolved	2012- 04-13 10:30	Create	State	Texas - TX	22855		User Change



Homeland
Security

April 2, 2013

Via electronic mail

(b)(6)

Central American Resource Center (CARECEN)
1460 Columbia Road, NW Suite C-1
Washington, DC 20009
(b)(6)@carecenc.org

Re: Complaint No. 13-06-ICE-0126

Dear Ms. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on March 18, 2013. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS).

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at CRCLCompliance@hq.dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Authority: 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

Purpose: The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

Routine Uses: This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

Disclosure: Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to www.dhs.gov/privacy.

From: CRCL
To: (b)(6)@carecendc.org
Subject: Follow up to CRCL Complaint Number 13-06-ICE-0126
Date: Tuesday, April 02, 2013 10:39:00 AM
Attachments: 03.18.2013 13-06-ICE-0126.pdf
image001.png

Dear Ms. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



Homeland
Security

This message, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying "received in error," and delete the message. In addition, this document may be used FOR OFFICIAL USE ONLY (FOUO) and/or contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). Therefore, it is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information, and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. Thank you.

From: (b)(6)@carecendc.org]
Sent: Monday, March 18, 2013 04:58 PM Eastern Standard Time
To: (b)(6)
Subject: Guidance on reporting ICE activity on building premises in DC

Dear Mr. (b)(6)

I received your contact information through (b)(6) email informing us of his departure from your office. I'd like to know if your office could help us with a particular issue we've been informed of in the neighborhood. Apart from providing immigration legal services, our organization also supports tenant associations in the Columbia Heights neighborhood in D.C. We have received complaints from a certain tenant association (b)(6) that ICE has appeared at their building at least 3 times in the early morning since February 26, looking for an individual that they believe lives on the 3rd floor, but they do not know which exact unit he lives in. They have stopped tenants leaving the building and have asked for their ID's and have knocked on apartments on the third floor of both buildings (the two buildings are adjoined) and have asked tenants in these apartments about this individual (showing photograph) and for their documents. We know that at least on the first occasion there were at least 8 ICE agents at the building and a fewer on the other two occasions they returned. It's clear that the agents don't have a warrant for the individual they're looking for and as a consequence of searching the building, they are alarming the tenants there.

I'd like to know if this type of complaint is one that your office handles and if an official complaint should be filed. If not, what is the most appropriate office to reach? Also, if you have any other suggests on how the Tenant Association can deal with these searches, I'd appreciate it. Thank you very much.

(b)(6)

Central American Resource Center (CARECEN)
1460 Columbia Road, NW Suite C-1
Washington, DC 20009
Phone: (202)328-(b)(6) | Fax: (202) (b)(6)
Email: (b)(6)@carecendc.org Web: www.carecendc.org



CONFIDENTIALITY NOTICE: This message is from The Central American Resource Center. This message and any attachments may contain attorney work product or legally privileged or confidential information. This message and its contents are intended only for the individual or entity identified above as the addressee. If you are not the addressee, or if this message has been addressed to you in error, you are not authorized to read, copy, distribute this message or any attachments, and we ask that you please delete this message and attachments (including copies) and notify the sender by

return e-mail or telephone at 202-328-9799 x 27. Delivery of this message and any attachments to any person other than the intended recipient(s) is not intended in any way to waive confidentiality or a privilege.

From: (b)(6)
To: (b)(6)
Cc: [CRCLCompliance](#)
Subject: FW: Guidance on reporting ICE activity on building premises in DC
Date: Wednesday, March 27, 2013 5:59:27 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Hi (b)(6)

Please process the email correspondence below from (b)(6) of CRCL's Community Engagement Section as a new Contact. Separately, please log in this entire thread as internal CRCL email regarding this matter. To date, we have not received any additional information from (b)(6) regarding this matter.

(b)(6) presented this matter at the case opening meetnig today. Jeff decided it wil be opened as a short-form complaint.

Please let me know if you have any questions.

Thank you.

(b)(6)
Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)
(b)(6)@hq.dhs.gov

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.

From: (b)(6)
Sent: Monday, March 18, 2013 5:38 PM
To: (b)(6)
Cc: (b)(6) CRCLCompliance
Subject: FW: Guidance on reporting ICE activity on building premises in DC

(b)(6)

Can you please review and present the matter below at the next case opening meeting? If Compliance receives any additional information on the allegations in the interim, we will forward it to you.

Thanks,

(b)(6)

From: (b)(6)
Sent: Monday, March 18, 2013 5:33 PM
To: (b)(6) Blumberg, Jeffrey
Cc: (b)(6)
Subject: Re: Guidance on reporting ICE activity on building premises in DC

Ok, will do, thanks.

(b)(6)

Senior Policy Advisor / Section Lead
Community Engagement Section
Office for Civil Rights and Civil Liberties (CRCL)
Office of the Secretary
US Department of Homeland Security (DHS)
202-(b)(6) (Mobile)
(b)(6)@hq.dhs.gov
<http://www.dhs.gov/crcl>

This message may contain agency deliberative communications, privacy information or other information that may be privileged and exempt from disclosure outside the agency or to the public. Please consult with the US Department of Homeland Security, Office for Civil Rights and Civil Liberties and the Office of General Counsel before disclosing any information contained in this email.

From: (b)(6)
Sent: Monday, March 18, 2013 05:28 PM Eastern Standard Time
To: Blumberg, Jeffrey; (b)(6)
Cc: (b)(6)
Subject: RE: Guidance on reporting ICE activity on building premises in DC

(b)(6)

When you reply to (b)(6) can you please ask her to submit her complaint to CRCL at CRCLCompliance@hq.dhs.gov, in addition to sending it to the ICE Public Advocate? She can send it to both CRCL and the Public Advocate's Office if she wishes.

Thanks,

(b)(6)

Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

202-357-(b)(6)

(b)(6)@hq.dhs.gov

From: Blumberg, Jeffrey
Sent: Monday, March 18, 2013 5:21 PM
To: (b)(6)
Cc:
Subject: Re: Guidance on reporting ICE activity on building premises in DC

Thanks (b)(6) We may be interested and will discuss at our next case opening.

Thanks,

Jeff

From: (b)(6)
Sent: Monday, March 18, 2013 05:17 PM Eastern Standard Time
To: Blumberg, Jeffrey; (b)(6)
Cc: Gersten, David; (b)(6)
Subject: Fw: Guidance on reporting ICE activity on building premises in DC

Jeff and (b)(6)

I will forward this matter to ICE Public Advocate as it appears to be a matter they would likely address. However, I wanted to forward to your attention in case you think its something Compliance may wish to review. Please advise.

Thanks,

(b)(6)

Senior Policy Advisor / Section Lead
Community Engagement Section
Office for Civil Rights and Civil Liberties (CRCL)
Office of the Secretary
US Department of Homeland Security (DHS)
202-(b)(6) (Mobile)
(b)(6)@hq.dhs.gov
<http://www.dhs.gov/crcl>

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From: CRCL_DHSOIGHotline
To: (b)(6)
Cc:
Subject: RE: CRCL Complaint Number 13-06-ICE-0126 Box 1
Date: Monday, April 01, 2013 10:15:39 AM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@hq.dhs.gov]
Sent: Thursday, March 28, 2013 4:55 PM
To: CRCL_DHSOIGHotline
Cc: (b)(6)
(b)(6)
Subject: CRCL Complaint Number 13-06-ICE-0126

DHS OIG,

Summary of a new complaint for your review:

On March 18, 2013, CRCL received an email correspondence from (b)(6) (b)(6) (b)(6) from the Central American Resource Center (CARECEN). In her email, Ms. (b)(6) states that her organization has received several complaints from a certain tenant association in the Columbia Heights DC neighborhood (b)(6) regarding ICE activities in their buildings. Ms. (b)(6) alleges that ICE agents have appeared at the buildings three times in the morning since February 26. Ms. (b)(6) states that the ICE agents are looking for a certain individual who they believe lives there and, as a result, ICE has stopped and asked individuals for their IDs and knocked on residents' doors to ask about this person and have also asked for their documents. Ms. (b)(6) believes the agents do not have a warrant for this individual and ICE is alarming the tenants who live there.

Thank you.

(b)(6)

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

202-357-(b)(6)

(b)(6)@hq.dhs.gov

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.



Department of Homeland Security (DHS)
Office for Civil Rights and Civil Liberties

Civil Rights Complaint

Fillable Version (last modified 3/15/2011)

The purpose of this form is to assist you in filing a civil rights/civil liberties complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding DHS programs and activities. This form is not intended to be used for complaints about employment with DHS. You are not required to use this form to file a complaint; a letter with the same information is sufficient. However, if you file a complaint by letter, you should include the same information that is requested in the form.

CRCL Mission:

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin (including language proficiency), religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see www.dhs.gov/eeo.)
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency?
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women Act's confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

Notes on Confidentiality and Anonymity:

- A) You may remain anonymous by not filling in your name, below. However, CRCL may not be able to investigate your complaint unless you provide enough information to conduct an investigation.
- B) Disclosure of the information you provide, including your identity, is on a "need-to-know" basis, and is discussed in the Privacy Statement at the end of this document. IF YOU CHECK THE BOX BELOW, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct). Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.
☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.
- C) Reprisal against complainants to CRCL is unlawful; if you feel you have been a victim of reprisal, CALL US. 1-866-644-8360.

Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① Information about the person who experienced the civil rights/civil liberties violation
(fill in what you can)

Name: Tenants at (b)(6) Washington, DC
First and Middle Last

Phone #: Cell: Home: Work:

Please note that we may contact you at the provided numbers.

Mailing Address: (b)(6) Washington, DC 20011
PO Box or Street address City State Zip

Date of Birth: Email (optional):

Alien Registration #. (if you have one and it's available):

☐ Check here if you are in detention now.

Which facility? Facility name Facility address

☒ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information (b)(6) @carecen.org

② Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.

Name: (b)(6)
First Last Job title

Organization (if any): CARECEN - Central American Resource Center

Phone #: Cell: Home: Work: (202) (b)(6)

Mailing Address: 1460 Columbia Road NW, Suite C1, Washington, DC 20009
PO Box or Street address City State Zip

③ What happened? Describe your complaint. Give as much detail about your experience as possible.

Please see attached continuation sheet.

Continue on an additional page, if needed.

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

ICE's visit to (b)(6) Washington DC happened on February 26, 2013 and began as early as 5:30am and lasted as late as 10am.

Where did this happen?

Place (for example, name the detention facility, airport, other): (b)(6)
City: Washington State or Country: DC

④ Who treated you unfairly?

An employee, contractor, or officer of (check as many as apply):

- | | |
|---|---|
| ☐ Citizenship and Immigration Services (USCIS) | ☐ Not sure which DHS office |
| ☐ Customs and Border Protection (CBP)* | ☐ Non-DHS employee working under the authority of DHS (e.g., 287g officer) |
| ☐ Customs Officer | specify: _____ |
| ☐ Border Patrol Agent | |
| ☐ Federal Emergency Management Agency (FEMA) | |
| ☒ Immigration and Customs Enforcement (ICE) | |
| ☐ Secret Service (USSS) | |
| ☐ Transportation Security Administration (TSA)* | |
| ☐ U.S. Coast Guard (USCG) | |
| ☐ Other DHS program (specify) : | |

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): _____

Mailing Address: _____
PO Box or Street address City State or Country Zip

Phone No.: _____ Email: _____

Names (or other information, e.g., agency): _____

Mailing Address: _____
PO Box or Street address City State or Country Zip

Phone No.: _____ Email: _____

Continue on an additional page, if needed.

- ⑥ Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?

☐ Yes: Agency/Office/Court _____ Date: _____
☒ No

If so, has anyone responded to your complaint?

☐ Yes ☒ No

If Yes, describe what has been done to respond to your complaint:

Continue on an additional page, if needed.

- ⑦ Is there any other information you want us to know about or consider?

Continue on an additional page, if needed.

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.
-

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: crcl@dhs.gov

Phone: Local: 202-401-1474 or
Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470
Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security
CRCL/Compliance Branch

245 Murray Lane, SW
Building 410, Mail Stop #0190
Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ To submit this form by email, please save, attach, and send to crcl@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to crcl@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the **types** of complaints, and **do not include personal information**. To read our past reports, go to www.dhs.gov/crcl.

To learn more about the Privacy Act go to the Federal Information Center, www.pueblo.gsa.gov.

You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.

Tenants at (b)(6)
Continuation Sheet

(b)(6)

The incident happened on February 26, 2013 at 5:20am as I was leaving my apartment building to go to work. As I was exiting my building at (b)(6) I heard a voice say "excuse me sir" and two men immediately approached me. One of the men approached me first and then the other one came from the other side of the street. The men looked as if they were police men. They began questioning me. They asked me where I was going and I answered that I was going to work. They asked me if I had an ID and I gave them my learner's permit. Then they asked me how long I was living in the United States and I answered that I had been living here for 10 years. They further asked me in which apartment I lived in and I responded them with my apartment number. They asked me how many people lived in my apartment, but I did not give a response. The officers wrote down the information from my ID. At no point did the officers say that they were looking for anyone.

(b)(6)

The incident happened on February 26, 2013 around 5:30am as I was going to work. As I was exiting my building I saw several men in the street. Some of them had vests that said ICE or police. I recognized they were immigration officers because I have seen them in the past. I remembered there being around 6 to 8 officers in the street. At the moment I exited the building there were three of them standing right outside the door to the building checking on people as they were coming out. I saw about three of the officers talking and checking the papers of (b)(6) my neighbor. As soon as I stepped out of the building I was asked if I was going to work and I responded that I was. They further asked me whether I knew (b)(6) and I responded that I knew him. They did not ask me for any documentation or whether they were looking for anyone in the building.

(b)(6)

Of February 26, 2013 around 5:30am I was saying good bye to my husband who was going to work when he, who was by the building's entrance, turned around and told me that the police was outside. The door to my apartment is down a flight of stairs directly in front of the building's entrance. After my husband told me that the police was in the building I came out to the entrance and saw (b)(6) our neighbor, and several other men. I saw that (b)(6) had been detained by immigration and was being asked for his papers. As I came to the door one of the officers pointed his flashlight at my face and asked me where I lived. I told him where I lived. They also asked me whether I knew Juvenal and I told them that I did. They didn't ask me or my husband for our papers and they didn't ask me any other question. Afterwards, I saw them go into the building and go to the floors above me. There were about eight of them and I heard them knocking on other doors. After that I went inside my apartment and don't know when they left.

(b)(6)

Tenants at (b)(6)

Continuation Sheet

My mother, who lives in my same building, called me around 5:45am and told me that immigration officers were in the building. I went to (b)(6) my sister's apartment, which has a direct view to the front of the street to see what was going on. I saw around four vans in the street and around 6 am I started hearing radios. I then saw into the keyhole and saw the officers inside the building, their vests said ICE and there were about 8 of them. I believe they skipped my floor, but I heard them knocking on doors on the third floor.

(b)(6)

The officers came to my door 4 times and they knocked very hard. This happened in the morning, I believe that this lasted until around 10am. I did not open the last time they knocked because they had already knocked too many times and I was afraid.

CRCLCompliance

From: CRCLCompliance
Sent: Friday, September 27, 2013 12:16 PM
To: (b)(6)@carecendc.org'
Subject: Follow-up to CRCL Complaint Number 13-06-ICE-0126
Attachments: FINAL Close Letter - Complaint No. 13-06-ICE-0126.pdf

Dear Ms. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



**Homeland
Security**

This message, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying "received in error," and delete the message. In addition, this document may be used FOR OFFICIAL USE ONLY (FOUO) and/or contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). Therefore, it is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information, and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. Thank you.



Homeland
Security

September 26, 2013

(b)(6)

Central American Resource Center (CARECEN)
1460 Columbia Road, NW Suite C-1
Washington, DC 20009

(b)(6)@carecenc.org

Re: Complaint No. 13-06-ICE-0126

Dear Ms. (b)(6)

This letter is in response to the correspondence the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on March 18, 2013. Your correspondence alleged that Immigration and Customs Enforcement (ICE) agents were alarming local residents in Washington, DC during enforcement operations over several days.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against DHS employees and officials concerning violations of civil rights and civil liberties.

Accordingly, CRCL attempted to conduct an investigation into the allegations. However, since May, 2013, CRCL has not received a response from you to our email and phone requests for assistance. Thus the allegations could not reasonably be investigated and CRCL has recommended closure of this complaint. Should you choose to provide CRCL with more information, we will re-open this investigation.

This concludes our review of this complaint. If you have any additional information or allegations do not hesitate to provide the information. We appreciate you bringing these matters to our attention; inquiries like this help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Blumberg".

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Protected by Attorney-Client and Deliberative Process Privileges



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
COMPLAINT CLOSURE WITHOUT RECOMMENDATIONS

To: Jeffrey Blumberg 
From: (b)(6)
Date: September 26, 2013
Complaint Number: 13-06-ICE-0126
Complainant Name(A#): (b)(6)

Finding(s) for Closure without Recommendations - (check all that apply):

☒ Insufficient information to investigate ☒ Withdrawal of complaint ☐ Lack of jurisdiction ☐ Allegation(s) overtaken by events ☐ Component and/or facility has already corrected the problem ☐ Allegation(s) against component, individual, and/or facility unfounded ☐ Allegation(s) against component, individual, and/or facility unsubstantiated	☐ Allegation(s) substantiated but does not warrant recommendations ☐ No finding of detention standards violations ☐ No finding of policy or procedure violations ☐ Complaint being handled as part of a related complaint (Related) ☐ Other (provide details):
---	---

Reason for Closing:

On March 13, 2013, CRCL received email correspondence from (b)(6) at the Central American Resource Center (CARECEN) indicating her organization received several complaints relating to ICE enforcement activity in Columbia Heights, Washington, DC. Specifically, (b)(6) alleged that ICE agents were searching, without a warrant, for an individual in a building in Columbia Heights, and in the process were stopping several others inquiring about immigration status.

After contacting Ms. (b)(6) in April, 2013, she provided the contact information of a resident in the building. CRCL contacted this individual with a Spanish speaking phone interpreter to arrange an interview and never received a response from the resident. CRCL reached out to CARECEN for assistance. Since that time in May, 2013, Ms. (b)(6) has not replied to the several emails and voicemails to follow up with her.

I recommend closure of this complaint. If CARECEN is able to provide more information, we can re-open if necessary.

Special Circumstances

Recommend Office of General Counsel (OGC) Review (Y/N)

If Yes- provide a brief explanation

Protected by the Deliberative Process Privilege

Suggested Closure Method(s) (*check all that apply*):

☒ Close Letter to Complainant ☐ Phone call (a description of which is documented in Writing) ☐ No notification necessary ☐ Other (provide details)	☒ Close email/memo to component ☐ High level component communication ☐ Close memo (No contact information)
--	--

Supporting Documents Attached:

For Completion by Reviewer:

Closure Recommendation Accepted ☒ Not Accepted ☐

Protected by the Deliberative Process Privilege

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-13-0275 13-06-ICE-0126 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2013-03-28 16:09	Create	Component Referenced	ICE	8951	(b)(6)	User Change
DhsComplaint	2013-03-28 16:09	Create	Summary	On March 18, 2013, CRCL received an email correspondence from (b)(6) Services from the Central American Resource Center (CARECEN). In her email, Ms. (b)(6) states that her organization has received several comp	8951		User Change
DhsComplaint	2013-03-28 16:09	Create	Executive Summary	On March 18, 2013, CRCL received an email correspondence from (b)(6) Services from the Central American Resource Center (CARECEN). In her email, Ms. (b)(6) states that her organization has received several comp	8951		User Change
DhsComplaint	2013-03-28 16:09	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	8951		User Change
DhsComplaint	2013-03-28 16:09	Create	Days to Process	10	8951		User Change
DhsComplaint	2013-03-28 16:09	Create	Date to CRCL	03/18/2013	8951		User Change
DhsComplaint	2013-03-28 16:09	Create	Date to DHS	03/18/2013	8951		User Change
DhsComplaint	2013-03-28 16:09	Create	Date on Correspondence	03/18/2013	8951		User Change
DhsComplaint	2013-03-28 16:09	Create	Sender Type	NGO/Organization	8951		User Change
DhsComplaint	2013-03-28 16:09	Create	Method of Receipt	Email	8951		User Change
DhsComplaint	2013-03-28 16:09	Create	Entry Date	03/28/2013	8951		User Change
DhsComplaintAction	2013-04-02 10:14	Create	Action	Awaiting Recommendation	109965		User Change
DhsComplaintAction	2013-04-02 10:14	Create	Action Date	04/02/2013	109965		User Change

DhsComplaintAction	2013-04-02 10:14	Create	Comments	Per Jeff, open as a short form complaint. Assigned to (b)(6) primary as secondary.	109965	(b)(6)	User Change
DhsComplaintAction	2013-04-02 10:13	Create	Document	13-06-ICE-0126 (OIG Response 04.01.2013).pdf	109964		User Change
DhsComplaintAction	2013-04-02 10:13	Create	Action	IG Declines/Back from IG	109964		User Change
DhsComplaintAction	2013-04-02 10:13	Create	Action Date	04/01/2013	109964		User Change
DhsComplaintAction	2013-03-28 16:50	Create	Action Date	03/28/2013	109908		User Change
DhsComplaintAction	2013-03-28 16:50	Create	Action	Sent to IG	109908		User Change
DhsComplaintAction	2013-03-28 16:50	Create	Action Date	03/27/2013	109907		User Change
DhsComplaintAction	2013-03-28 16:50	Create	Comments	Per Jeff, open as a short form complaint. Assigned to (b)(6) primary as secondary.	109907		User Change
DhsComplaintAction	2013-03-28 16:50	Create	Action	Open a Complaint	109907		User Change
DhsComplaintAction	2013-04-02 15:46	Create	Secondary Assignment	(b)(6)	110007		User Change
DhsComplaintAction	2013-04-02 15:46	Create	Action	Back from Officer	110007		User Change
DhsComplaintAction	2013-04-02 15:46	Create	Action Date	04/02/2013	110007		User Change
DhsComplaintAction	2013-04-02 15:46	Create	Comments	short form assign to (b)(6) as primary and (b)(6) as 2nd.	110007		User Change
DhsComplaintAction	2013-04-02 15:46	Create	Primary Assignment	(b)(6)	110007		User Change
DhsComplaintAction	2013-04-02 15:46	Create	Action	Recommendation Review	110006		User Change
DhsComplaintAction	2013-04-02 15:46	Create	Action Date	04/02/2013	110006		User Change
DhsComplaintAction	2013-09-30 12:00	Create	Internal Summary	On March 13, 2013, CRCL received email correspondence from (b)(6) at the Central American Resource Center (CARECEN) indicating her organization received several complaints relating	111448		User Change

				to ICE enforcement activity in Co		(b)(6)	
DhsComplaintAction	2013-09-30 12:00	Create	Action Date	09/30/2013	111448		User Change
DhsComplaintAction	2013-09-30 12:00	Create	Action	Closed - Short Form/No Further Action	111448		User Change
DhsComplaintAction	2013-09-30 12:00	Create	Reporting Summary	On March 13, 2013, CRCL received a complaint improper ICE enforcement activity. After several months of trying to contact the complainant with no response, CRCL has chosen to close this complaint. Should the complainant respond or provide more informati	111448		User Change
DhsComplaintAction	2013-05-23 16:02	Create	Action Date	05/23/2013	110413		User Change
DhsComplaintAction	2013-05-23 16:02	Create	Action	Short Form	110413		User Change
DhsComplaintDocument	2013-04-05 17:24	Create	Dateentered	04/05/2013	90252		User Change
DhsComplaintDocument	2013-04-05 17:24	Create	Comments	This complaint was opened based on an email. The complainant has now drafted a full complaint for with additional details.	90252		User Change
DhsComplaintDocument	2013-04-05 17:24	Create	Foreign Language	No	90252		User Change
DhsComplaintDocument	2013-04-05 17:24	Create	Document Type	Incoming Letter	90252		User Change
DhsComplaintDocument	2013-04-05 17:24	Create	Document 1	civil rights (3).pdf	90252		User Change
DhsComplaintDocument	2013-09-30 11:56	Create	Foreign Language	No	92087		User Change
DhsComplaintDocument	2013-09-30 11:56	Create	Document Type	Final Report	92087		User Change
DhsComplaintDocument	2013-09-30 11:56	Create	Dateentered	09/30/2013	92087		User Change
DhsComplaintDocument	2013-09-30 11:56	Create	Document 1	FINAL SF Close Memo - Complaint No. 13-06-ICE-0126.pdf	92087		User Change
DhsComplaintDocument	2013-09-30 11:56	Create	Foreign Language	No	92086		User Change
DhsComplaintDocument	2013-09-30 11:56	Create	Document Type	Closed Letter	92086		User Change
DhsComplaintDocument	2013-09-30	Create	Dateentered	09/30/2013	92086		User Change

	11:56					(b)(6)	
DhsComplaintDocument	2013-09-30 11:56	Create	Document 1	FINAL Close Letter - Complaint No. 13-06-ICE-0126.pdf	92086		User Change
DhsComplaintDocument	2013-04-02 10:40	Create	Dateentered	04/02/2013	90184		User Change
DhsComplaintDocument	2013-04-02 10:40	Create	Comments	Letter sent on April 2, 2013	90184		User Change
DhsComplaintDocument	2013-04-02 10:40	Create	Foreign Language	No	90184		User Change
DhsComplaintDocument	2013-04-02 10:40	Create	Document Type	Acknowledgement Letter	90184		User Change
DhsComplaintDocument	2013-04-02 10:40	Create	Document 2	03.18.2013 13-06-ICE-0126_CRCL Email.pdf	90184		User Change
DhsComplaintDocument	2013-04-02 10:40	Create	Document 1	03.18.2013 13-06-ICE-0126.pdf	90184		User Change
DhsComplaintDocument	2013-03-28 16:10	Create	Document 1	03.18.2013 (b)(6) via CARECEN ICE in Columbia Heights_Supplemental Email.pdf	90121		User Change
DhsComplaintDocument	2013-03-28 16:10	Create	Comments	Supplemental Email	90121		User Change
DhsComplaintDocument	2013-03-28 16:10	Create	Document Type	Miscellaneous Material/Other	90121		User Change
DhsComplaintDocument	2013-03-28 16:10	Create	Dateentered	03/28/2013	90121		User Change
DhsComplaintDocument	2013-03-28 16:10	Create	Foreign Language	No	90121		User Change
DhsComplaintDocument	2013-03-28 16:10	Create	Document 1	03.18.2013 (b)(6) via CARECEN ICE in Columbia Heights.pdf	90120		User Change
DhsComplaintDocument	2013-03-28 16:10	Create	Document Type	Incoming Letter	90120		User Change
DhsComplaintDocument	2013-03-28 16:10	Create	Dateentered	03/28/2013	90120		User Change
DhsComplaintDocument	2013-03-28 16:10	Create	Foreign Language	No	90120		User Change
DhsComplaintIssue	2013-03-28 16:23	Update	Incident Date 2	03/18/2013	14255		User Change
DhsComplaintIssue	2013-03-28 16:23	Update	Ongoing	Yes	14255		User Change
DhsComplaintIssue	2013-03-28 16:16	Create	City	Washington	14255		User Change
	2013-						

DhsComplaintIssue	03-28 16:16	Create	State	District of Columbia - DC	14255	(b)(6)	User Change
DhsComplaintIssue	2013- 03-28 16:16	Create	Redirect to Subject	No	14255		User Change
DhsComplaintIssue	2013- 03-28 16:16	Create	Incident Date	02/26/2013	14255		User Change
DhsComplaintIssue	2013- 03-28 16:16	Create	Situation	DHS law enforcement activity	14255		User Change
DhsComplaintIssue	2013- 03-28 16:16	Create	Ethnicity	Hispanic or Latino	14255		User Change
DhsComplaintIssue	2013- 03-28 16:16	Create	(b)(5)	(b)(5)	14255		User Change
DhsComplaintIssue	2013- 03-28 16:16	Create	Incident Location Type	Residence	14255		User Change
DhsComplaintIssue	2013- 03-28 16:16	Create	Ongoing	No	14255		User Change
DhsComplaintIssue	2013- 03-28 16:16	Create	Primary Issue	Yes	14255		User Change
DhsComplaintIssue	2013- 03-28 16:16	Create	Incident Location	(b)(6)	14255		User Change
DhsComplaintIssue	2013- 03-28 16:16	Create	Comments	Columbia Heights neighborhood	14255		User Change
DhsComplaintPartiesInvolved	2013- 03-28 16:14	Update	Comments	(b)(6)	23977		User Change
DhsComplaintPartiesInvolved	2013- 03-28 16:14	Update	Last Name	(b)(6)	23977		User Change
DhsComplaintPartiesInvolved	2013- 03-28 16:13	Update	Email	(b)(6)@carecenc.org	23977		User Change
DhsComplaintPartiesInvolved	2013- 03-28 16:13	Update	Phone	202-(b)(6)	23977		User Change
DhsComplaintPartiesInvolved	2013- 03-28 16:12	Create	Address Line 1	Central American Resource Center (CARECEN)	23977		User Change
DhsComplaintPartiesInvolved	2013- 03-28 16:12	Create	Contact Type	Sender	23977		User Change
DhsComplaintPartiesInvolved	2013- 03-28 16:12	Create	Comments	(b)(6)	23977		User Change
DhsComplaintPartiesInvolved	2013- 03-28 16:12	Create	Middle Name	(b)(6)	23977		User Change
DhsComplaintPartiesInvolved	2013- 03-28 16:12	Create	Last Name	(b)(6)	23977		User Change
DhsComplaintPartiesInvolved	2013- 03-28	Create	First Name	(b)(6)	23977		User

	16:12					Change
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**Homeland
Security**

May 7, 2013

(b)(6)

Bronx, NY 10468

Re: Complaint No. 13-06-ICE-0158;

(b)(6)

Dear Mr. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on March 15, 2013, forwarded to CRCL by DHS OIG. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS).

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at CRCLCompliance@hq.dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Authority: 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

Purpose: The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

Routine Uses: This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

Disclosure: Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to www.dhs.gov/privacy.

From: DHSOIGHotlineMailbox [<mailto:DHSOIGHotlineMailbox@oig.dhs.gov>]

Sent: Friday, March 15, 2013 4:20 PM

To: JOINT INTAKE

Cc: CRCLCompliance; (b)(6)

Subject: DHS OIG C1306855; (b)(6)

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

AFFIDAVIT OF SERVICE

Pursuant to Federal Tort Claims Act, I, (b)(6) of legal age, make this affidavit that the original and copies of the NOTICE OF CLAIM has been submitted this March , 2013 to the United States Postal Service, via certified mail with return receipt to be served to the following parties:

Janet Napolitano
Department of Homeland Security
Nebraska Avenue Complex,
Washington, D.C. 20528

Eric Holder
U.S. Department of Justice
950 Pennsylvania Avenue, NW, Washington, D.C 20530-0001

John T. Morton
U.S. Immigration and Customs Enforcement
500 12th Street, SW, Washington, D.C. 20536

Office of the Inspector General
U.S. Department of Homeland Security
245 Murray Drive, Building 410 Stop 2600
Washington, D.C. 20528

Respectfully,

(b)(6)

Bronx, NY 10468

NOTARY PUBLIC

Subscribed and sworn to before me
this 28th day of February 2014 (OR)
(b)(6) Public

(b)(6)
Notary Public State of New York
(b)(6)
Qualified in Bronx County
Commission Expires Dec 23, 2014

To whom it may concern,

2/25/13

My name is (b)(6) a detainee at Hudson County Correctional Facility in Kearny, New Jersey. I am respectfully putting you on notice of a civil rights violation. I am a United States citizen who has been falsely arrested by ICE officers at my home on January 30, 2013 at about 6:00 am in the morning. They aggressively barged into my home without a valid search warrant as my wife opened the door, surrounded me, my wife and my two young children. They refused to identify themselves or answer any questions, they continued into the other rooms in my home and took all of my identifications then arrested me (I should have been given a search warrant specifying what they were there for and what they should have been looking for). I was

(b)(6)

United States citizen, I still hold a valid IR-2 status as acknowledge by the government. The factor that is being overlooked is that my (b)(6)

(b)(6)

and is a United States citizen. I am awaiting at the moment on (b)(6) to produce the documentation of my father's birth certificate. I've already submitted to the

courts my parent's marriage certificate, my translated birth certificate, my baptism certificate and a copy of a passport stating my father's name, also included is the request form requesting my father's birth certificate. I've taken the liberty to enclose copies to your office hoping for your kind assistance on this matter. I was brought to this country at the age of about one and a half years old by both my parent's on or about April 1, 1979. My father is a United States citizen hence, I am a United States citizen and ICE officers are violating my Constitutional rights

02252013

Notary Public for New Jersey
My Commission Expires

(b)(6)

(b)(6)

Hudson County Correctional Facility
35 Hackensack AVE
Kearny, NJ 07032

Home address:

(b)(6)

Bronx NY 10468

(b)(6)

From: CRCLCompliance

Sent: Thursday, April 18, 2013 9:13 AM

To: (b)(6) CRCLCompliance; (b)(6)

Cc: (b)(6)

Subject: RE: FTCA Claim involving ICE: DHS OIG C1306855; (b)(6)

Thanks, (b)(6) After CRCL discusses this matter and Jeff decides how we will handle it, I will update you, probably by tomorrow.

(b)(6)

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

202-357-(b)(6)

(b)(6)@hq.dhs.gov

From: (b)(6)

Sent: Thursday, April 18, 2013 7:47 AM

To: CRCLCompliance; (b)(6)

Cc: (b)(6)

Subject: RE: FTCA Claim involving ICE: DHS OIG C1306855; (b)(6)

(b)(6)

Thanks. As with the (b)(6) case from yesterday, I will forward this to the ICE FTCA POC but is this a case where CRCL wants to open an investigation and then stay it pending the resolution of the FTCA matter? (b)(6) Just let me know so I know whether to have ICE POC keep me abreast of developments in the case.

Thanks.

(b)(6)

Attorney Advisor

U.S. Department of Homeland Security

Office of General Counsel, Legal Counsel Division

(b)(6)@hq.dhs.gov

Desk: 24 (b)(6)

Cell: 202 (b)(6)

Fax: 248.351.2714

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From: CRCLCompliance

Sent: Wednesday, April 17, 2013 6:12 PM

To: (b)(6)

Cc: CRCLCompliance; (b)(6)

Subject: FW: FTCA Claim involving ICE: DHS OIG C1306855; (b)(6)

Hi (b)(6)

Attached for OGC's information and any action you deem appropriate is a Federal Tort Claims Act (FTCA) claim from (b)(6). DHS OIG received this correspondence and forwarded it to the DHS Joint Intake Center (JIC) and CRCL on March 15, 2013. Please excuse our delay in forwarding it to you. The claimant, who was an ICE detainee at the time of writing his correspondence dated February 25, 2013, states that he is a U.S. citizen who was wrongly arrested and detained by ICE.

Attached also for your information are select ENFORCE EARM database records run by CRCL. According to EARM, Mr. (b)(6) was released from detention under an Order of Recognizance on April 3, 2013.

Thank you.

(b)(6)

Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)
(b)(6)@hq.dhs.gov

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From: CRCLCompliance
To: (b)(6) CRCLCompliance; (b)(6)
Cc: (b)(6)
Subject: RE: FTCA Claim involving ICE: DHS OIG C1306855; (b)(6)
Date: Friday, April 19, 2013 11:45:00 AM

Hi (b)(6)

As Jeff decided yesterday, CRCL will open this matter as a short-form complaint and will stay it pending the resolution of the FTCA matter.

Thank you.

(b)(6)

Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)
(b)(6)@hq.dhs.gov

Duplicate

From: CRCLCompliance
To: (b)(6) CRCLCompliance
Cc: (b)(6)
Blumberg, Jeffrey
Subject: RE: FTCA Claim involving ICE: DHS OIG C1306855; (b)(6)
Date: Tuesday, April 23, 2013 12:23:00 PM

Thank you, (b)(6)

We will add this information to the complaint file. (As stated in my 4/19/2013 email, CRCL has decided to open this matter as short-form complaint.)

(b)(6)

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)
(b)(6)@hq.dhs.gov

From: (b)(6)
Sent: Tuesday, April 23, 2013 10:59 AM
To: CRCLCompliance
Cc: (b)(6)
(b)(6)
Subject: FW: FTCA Claim involving ICE: DHS OIG C1306855; (b)(6)

CRCL,

You can go ahead and proceed on this case as you wish (you do not need to stay it as ICE is rejecting the FTCA claim as he does not meet the requirements under the FTCA). See below for information. Please let me know if you have questions.

(b)(6)

Attorney Advisor

U.S. Department of Homeland Security

Office of General Counsel, Legal Counsel Division

(b)(6)@hq.dhs.gov

Desk: 248 (b)(6)

Cell: 202 (b)(6)

Fax: 248.351.2714

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From: (b)(6),(b)(7)(C)@ice.dhs.gov

Sent: Tuesday, April 23, 2013 10:54 AM

To: (b)(6),(b)(7)(C)

Cc:

Subject: RE: FTCA Claim involving ICE: DHS OIG C1306855; (b)(6)

(b)(6)

(b)(5),(b)(6)

Thanks,

(b)(6),(b)(7)(C)

Chief, District Court Litigation Division
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
500 12th Street SW, 9th Floor
Washington, DC 20024
Desk: (202) (b)(6),(b)(7)(C)
E-mail: (b)(6),(b)(7)(C)@ice.dhs.gov

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From: (b)(6)

Sent: Tuesday, April 23, 2013 10:06 AM

To: (b)(6),(b)(7)(C)

Cc: (b)(6)

Subject: RE: FTCA Claim involving ICE: DHS OIG C1306855; (b)(6)

(b)(6),(b)(7)(C)

Because the allegations in (b)(6) concern civil rights issues, my client, CRCL, has decided to open an investigation but stay the investigation until the FTCA issue is resolved. Could you please contact me when this case is over so I can let CRCL know they can begin its investigation?

Thanks so much.

(b)(6)

Attorney Advisor

U.S. Department of Homeland Security

Office of General Counsel, Legal Counsel Division

(b)(6)

@hq.dhs.gov

Desk: 248.

(b)(6)

Cell: 202.

(b)(6)

Fax: 248.351.2714

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From:

(b)(6),(b)(7)(C)

Sent: Thursday, April 18, 2013 3:48 PM

To: (b)(6)

Cc:

Subject: RE: FTCA Claim involving ICE: DHS OIG C1306855; (b)(6)

Thank you,

(b)(6)

(b)(6),(b)(7)(C)

Chief, District Court Litigation Division
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
500 12th Street SW, 9th Floor
Washington, DC 20024
Desk: (202) (b)(6),(b)(7)(C)
E-mail: (b)(6),(b)(7)(C) @ice.dhs.gov

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From: (b)(6)

Sent: Thursday, April 18, 2013 2:39 PM

To: (b)(6),(b)(7)(C)

Cc: (b)(6)

Subject: FW: FTCA Claim involving ICE: DHS OIG C1306855; (b)(6)

(b)(6),(b)(7)(C)

Attached is another FTCA claim against ICE. Below is background info. Thanks.

(b)(6)

Attorney Advisor

U.S. Department of Homeland Security

Office of General Counsel, Legal Counsel Division

(b)(6)

@hq.dhs.gov

Desk: 248. (b)(6)

Cell: 202. (b)(6)

Fax: 248.351.2714

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Duplicate

(b)(6)

From: CRCL_DHSOIGHotline
Sent: Tuesday, May 07, 2013 9:31 AM
To: (b)(6) CRCL_DHSOIGHotline
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 13-06-ICE-0158

Follow Up Flag: Follow up
Flag Status: Flagged

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) [redacted]@hq.dhs.gov]
Sent: Monday, May 06, 2013 5:38 PM
To: CRCL_DHSOIGHotline
Cc: (b)(6) [redacted]
Subject: CRCL Complaint Number 13-06-ICE-0158

DHS OIG,

Summary of new complaint for your review:

On March 15, 2013, CRCL received an informal email referral from DHS OIG (C1306855) of correspondence from (b)(6) [redacted], an ICE detainee at Hudson County Jail in Kearney, New Jersey. In his letter, dated February 25, 2013, (b)(6) [redacted] alleges that his Fourth Amendment rights were violated by ICE officers. (b)(6) [redacted] alleges that on January 30, 2013, ICE officers entered his home without a search warrant and proceeded to search his entire house, seize all of his identifications, and arrest him without a warrant. In addition, he alleges that he is

illegally being detained because he has a valid IR-2 status. (b)(6) states that he is making a Federal Tort Claims Act (FTCA) claim. Also, (b)(6) is claiming to be a U.S. citizen through his father.

[Note: According to EARM records, consent to enter the residence was given by (b)(6) wife. He was released under an Order of Recognizance on April 3, 2013.]

Thank you.

(b)(6)
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)
202-(b)(6) (c)
(b)(6) @hq.dhs.gov

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Homeland
Security

May 13, 2014

(b)(6)

Bronx, NY 10468

Re: Complaint No. 13-06-ICE-0158, (b)(6)

Dear Ms (b)(6)

On March 15, 2013, the Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received the complaint you filed on behalf of your husband. This complaint alleged that U.S. Immigration and Customs Enforcement (ICE) officers violated Mr. (b)(6) civil rights and civil liberties during an enforcement operation at your home.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against DHS employees and officials concerning violations of civil rights and civil liberties. To conduct its investigation, CRCL has reviewed the documents you provided and reviewed information from ICE pertaining to its enforcement operations.

After reviewing the documents, CRCL believes that work conducted by this Office on other cases is relevant to this complaint. CRCL has made policy recommendations to ICE that would address the concerns raised in your complaint in relation to entry without consent. CRCL will continue to work with ICE on these recommendations, and as such, is closing this complaint.

We thank you for filing this complaint and understand the significance of this issue. Inquiries like his help DHS meet its obligation to protect civil rights and civil liberties. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

(b)(6)

Acting Deputy Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

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DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-13-0306 13-06-ICE-0158 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2013-04-18 11:59	Create	Entry Date	04/18/2013	8985	(b)(6)	User Change
DhsComplaint	2013-04-18 11:59	Create	Method of Receipt	Email	8985		User Change
DhsComplaint	2013-04-18 11:59	Create	Sender Type	Government Agency	8985		User Change
DhsComplaint	2013-04-18 11:59	Create	Date on Correspondence	02/25/2013	8985		User Change
DhsComplaint	2013-04-18 11:59	Create	Date to DHS	03/11/2013	8985		User Change
DhsComplaint	2013-04-18 11:59	Create	Date to CRCL	03/15/2013	8985		User Change
DhsComplaint	2013-04-18 11:59	Create	Days to Process	34	8985		User Change
DhsComplaint	2013-04-18 11:59	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	8985		User Change
DhsComplaint	2013-04-18 11:59	Create	Executive Summary	On March 15, 2013, CRCL was referred, through email, by DHS OIG (C1306855) to a complaint from (b)(6) an ICE detainee at Hudson County Jail in Kearney, New Jersey. In his letter, dated February 25, 2013, Mr. (b)(6)	8985		User Change
DhsComplaint	2013-04-18 11:59	Create	Summary	On March 15, 2013, CRCL was referred, through email, by DHS OIG (C1306855) to a complaint from (b)(6) an ICE detainee at Hudson County Jail in Kearney, New Jersey. In his letter, dated February 25, 2013, Mr. (b)(6)	8985		User Change
DhsComplaint	2013-04-18 11:59	Create	Component Referenced	ICE	8985	(b)(6)	User Change
				On March 15, 2013, CRCL was referred, through email, by DHS OIG (C1306855) to a			

DhsComplaint	2013-04-18 12:10	Update	Summary	complaint from (b)(6) (b)(6) (b)(6) an ICE detainee at Hudson County Jail in Kearney, New Jersey. In his letter, dated February 25, 2013, Mr. (b)(6)	8985	(b)(6)	User Change
DhsComplaint	2013-04-18 12:10	Update	Executive Summary	On March 15, 2013, CRCL was referred, through email, by DHS OIG (C1306855) to a complaint from (b)(6) (b)(6) (b)(6) an ICE detainee at Hudson County Jail in Kearney, New Jersey. In his letter, dated February 25, 2013, Mr. (b)(6)	8985	(b)(6)	User Change
DhsComplaint	2013-04-18 14:23	Update	Summary	On March 15, 2013, CRCL was referred, through email, by DHS OIG (C1306855) to a complaint from (b)(6) (b)(6) (b)(6) an ICE detainee at Hudson County Jail in Kearney, New Jersey. In his letter, dated February 25, 2013, Mr. (b)(6)	8985	(b)(6)	User Change
DhsComplaint	2013-04-18 14:23	Update	Executive Summary	On March 15, 2013, CRCL was referred, through email, by DHS OIG (C1306855) to a complaint from (b)(6) (b)(6) (b)(6) an ICE detainee at Hudson County Jail in Kearney, New Jersey. In his letter, dated February 25, 2013, Mr. (b)(6)	8985	(b)(6)	User Change
DhsComplaint	2013-05-03 09:28	Update	Summary	On March 15, 2013, CRCL received an informal email referral from DHS OIG (C1306855) of correspondence from (b)(6) (b)(6) an ICE detainee at Hudson County Jail in Kearney, New Jersey. In his letter, dated February 25, 2013, Mr.	8985	(b)(6)	User Change
DhsComplaint	2013-05-03 09:28	Update	Days to Process	49	8985	(b)(6)	User Change
				On March 15, 2013, CRCL received an informal email referral from DHS OIG (C1306855) of		(b)(6)	

DhsComplaint	2013-05-03 09:28	Update	Executive Summary	correspondence from (b)(6) 454), an ICE detainee at Hudson County Jail in Kearney, New Jersey. In his letter, dated February 25, 2013, Mr.	8985	(b)(6)	User Change
DhsComplaintAction	2014-05-13 17:01	Create	Action	Closed - Short Form/No Further Action	113858	(b)(6)	User Change
DhsComplaintAction	2014-05-13 17:01	Create	Reporting Summary	On March 13, 2013, CRCL received an informal referral from DHS OIG containing a complaint. The complainant alleged that his Fourth Amendment rights were violated by ICE officers during an enforcement operation at his home. Specifically the complainant a	113858	(b)(6)	User Change
DhsComplaintAction	2014-05-13 17:01	Create	Action Date	05/13/2014	113858	(b)(6)	User Change
DhsComplaintAction	2014-05-13 17:01	Create	Internal Summary	On March 13, 2013, received an informal email referral from DHS OIG containing a complaint sent by Ms. (b)(6) on behalf of her husband, (b)(6) a lawful permanent resident (LPR). At the time, Mr. (b)(6) was a detained by U.S.	113858	(b)(6)	User Change
DhsComplaintAction	2013-05-10 15:27	Create	Action	Recommendation Review	110333	(b)(6)	User Change
DhsComplaintAction	2013-05-10 15:27	Create	Action Date	05/10/2013	110333	(b)(6)	User Change
DhsComplaintAction	2013-05-10 15:28	Create	Comments	short form	110334	(b)(6)	User Change
DhsComplaintAction	2013-05-10 15:28	Create	Action	Back from Officer	110334	(b)(6)	User Change
DhsComplaintAction	2013-05-10 15:28	Create	Action Date	05/10/2013	110334	(b)(6)	User Change
DhsComplaintAction	2013-05-10 15:28	Create	Primary Assignment	(b)(6)	110334	(b)(6)	User Change
DhsComplaintAction	2013-11-20 09:12	Create	Action Date	05/10/2013	111686	(b)(6)	User Change
DhsComplaintAction	2013-11-20 09:12	Create	Action	Short Form	111686	(b)(6)	User Change
				Per Jeff Blumberg and		(b)(6)	

DhsComplaintAction	2013-05-06 17:35	Create	Comments	(b)(6) this is opened as a short-form complaint on 4/18/2013 being assigned to (b)(6) on 5/2/2013. Per OGC on 4/23/2013, ICE rejected the FTCA claim as it does not meet the requirements under FTCA. Therefore, CRC	110243	(b)(6)	User Change
DhsComplaintAction	2013-05-06 17:35	Create	Action	Open a Complaint	110243		User Change
DhsComplaintAction	2013-05-06 17:35	Create	Action Date	05/06/2013	110243		User Change
DhsComplaintAction	2013-05-06 17:44	Create	Comments	Sent 5/6/2013.	110244		User Change
DhsComplaintAction	2013-05-06 17:44	Create	Action	Sent to IG	110244		User Change
DhsComplaintAction	2013-05-06 17:44	Create	Action Date	05/06/2013	110244		User Change
DhsComplaintAction	2013-05-07 13:54	Create	Action	IG Declines/Back from IG	110263		User Change
DhsComplaintAction	2013-05-07 13:54	Create	Document	13-06-ICE-0158 (OIG Response 05.07.2013).pdf	110263		User Change
DhsComplaintAction	2013-05-07 13:54	Create	Action Date	05/07/2013	110263		User Change
DhsComplaintAction	2013-05-07 13:54	Create	Comments	Per Jeff Blumberg and (b)(6) this is opened as a short-form complaint on 4/18/2013 being assigned to (b)(6) on 5/2/2013. Per OGC on 4/23/2013, ICE rejected the FTCA claim as it does not meet the requirements under FTCA. Therefore, CRC	110264		User Change
DhsComplaintAction	2013-05-07 13:54	Create	Action	Awaiting Recommendation	110264		User Change
DhsComplaintAction	2013-05-07 13:54	Create	Action Date	05/07/2013	110264		User Change
DhsComplaintDocument	2013-05-07 14:18	Create	Document Type	Acknowledgement Letter	90570		User Change
DhsComplaintDocument	2013-05-07 14:18	Create	Foreign Language	No	90570		User Change
DhsComplaintDocument	2013-05-07 14:18	Create	Document 1	03.15.2013 13-06-ICE-0158.pdf	90570		User Change
DhsComplaintDocument	2013-05-07	Create	Dateentered	05/07/2013	90570		User Change

	14:18					(b)(6)	
DhsComplaintDocument	2013-05-07 14:18	Create	Comments	Sent 5/7/2013.	90570		User Change
DhsComplaintDocument	2013-04-30 09:40	Create	Document Type	Miscellaneous Material/Other	90518		User Change
DhsComplaintDocument	2013-04-30 09:40	Create	Foreign Language	No	90518		User Change
DhsComplaintDocument	2013-04-30 09:40	Create	Document 1	04.17.2013 to 04.23.2013 (b)(6) OGC and CRCL Email Thread.pdf	90518		User Change
DhsComplaintDocument	2013-04-30 09:40	Create	Dateentered	04/30/2013	90518		User Change
DhsComplaintDocument	2013-04-30 09:40	Create	Document 2	04.23.2013 (b)(6) OGC - CRCL - ICE Email Thread.pdf	90518		User Change
DhsComplaintDocument	2013-04-30 09:40	Create	Comments	The first email thread includes CRCL's 4/17/2013 email notifying OGC of the possible FTCA claim submitted by the complainant and follow-up OGC and CRCL email; the second thread includes OGC's 4/23/2013 email to CRCL informing it of ICE's decision to reject	90518		User Change
DhsComplaintDocument	2013-04-18 11:59	Create	Document Type	Incoming Letter	90379		User Change
DhsComplaintDocument	2013-04-18 11:59	Create	Foreign Language	No	90379		User Change
DhsComplaintDocument	2013-04-18 11:59	Create	Dateentered	04/18/2013	90379		User Change
DhsComplaintDocument	2013-04-18 11:59	Create	Document 1	03.15.2013 (b)(6) pdf	90379		User Change
DhsComplaintDocument	2013-04-18 12:00	Create	Comments	Email Thread	90380		User Change
DhsComplaintDocument	2013-04-18 12:00	Create	Document Type	Miscellaneous Material/Other	90380		User Change
DhsComplaintDocument	2013-04-18 12:00	Create	Foreign Language	No	90380		User Change
DhsComplaintDocument	2013-04-18 12:00	Create	Dateentered	04/18/2013	90380		User Change
DhsComplaintDocument	2013-04-18 12:00	Create	Document 1	03.15.2013 (b)(6) Supplemental Email Thread.pdf	90380		User Change
DhsComplaintDocument	2013-04-18 12:02	Create	Comments	EARM records	90381		User Change

DhsComplaintDocument	2013-04-18 12:02	Create	Document Type	Miscellaneous Material/Other	90381	(b)(6)	User Change
DhsComplaintDocument	2013-04-18 12:02	Create	Foreign Language	No	90381		User Change
DhsComplaintDocument	2013-04-18 12:02	Create	Dateentered	04/18/2013	90381		User Change
DhsComplaintDocument	2013-04-18 12:02	Create	Document 3	(b)(6) (b)(6) EARM Detention.pdf	90381		User Change
DhsComplaintDocument	2013-04-18 12:02	Create	Document 1	(b)(6) (b)(6) EARM Address Information.pdf	90381		User Change
DhsComplaintDocument	2013-04-18 12:02	Create	Document 4	(b)(6) (b)(6) EARM Encounter Record.pdf	90381		User Change
DhsComplaintDocument	2013-04-18 12:02	Create	Document 2	(b)(6) (b)(6) EARM Detention.pdf	90381		User Change
DhsComplaintDocument	2014-01-29 15:51	Create	Document Type	Miscellaneous Material/Other	93135		User Change
DhsComplaintDocument	2014-01-29 15:51	Create	Dateentered	01/29/2014	93135		User Change
DhsComplaintDocument	2014-01-29 15:51	Create	Document 1	Blank doc to be used in order to close items in the system.docx	93135		User Change
DhsComplaintDocument	2014-01-29 15:51	Create	Foreign Language	No	93135		User Change
DhsComplaintDocument	2014-01-29 15:54	Delete			93135		User Change
DhsComplaintDocument	2014-05-13 16:55	Create	Dateentered	05/13/2014	94649		User Change
DhsComplaintDocument	2014-05-13 16:55	Create	Document Type	Closed Letter	94649		User Change
DhsComplaintDocument	2014-05-13 16:55	Create	Foreign Language	No	94649		User Change
DhsComplaintDocument	2014-05-13 16:55	Create	Document 1	Close Letter - Complaint No 13-06-ICE-0158.pdf	94649		User Change
DhsComplaintDocument	2014-05-13 16:56	Create	Dateentered	05/13/2014	94650		User Change
DhsComplaintDocument	2014-05-13 16:56	Create	Document Type	Final Report	94650		User Change
DhsComplaintDocument	2014-05-13 16:56	Create	Foreign Language	No	94650		User Change
DhsComplaintDocument	2014-05-13 16:56	Create	Document 1	Close Memo Complaint No 13-06-ICE-0158.pdf	94650		User Change

DhsComplaintIssue	2013-04-18 12:07	Create	State	New York - NY	14302	(b)(6)	User Change
DhsComplaintIssue	2013-04-18 12:07	Create	Ongoing	No	14302		User Change
DhsComplaintIssue	2013-04-18 12:07	Create	Situation	ICE Secure Communities Program	14302		User Change
DhsComplaintIssue	2013-04-18 12:07	Create	Primary Issue	Yes	14302		User Change
DhsComplaintIssue	2013-04-18 12:07	Create	City	Bronx	14302		User Change
DhsComplaintIssue	2013-04-18 12:07	Create	Redirect to Subject	No	14302		User Change
DhsComplaintIssue	2013-04-18 12:07	Create	Incident Location Type	Residence	14302		User Change
DhsComplaintIssue	2013-04-18 12:07	Create	Incident Location	(b)(6)	14302		User Change
DhsComplaintIssue	2013-04-18 12:07	Create	(b)(5)	(b)(5)	14302		User Change
DhsComplaintPartiesInvolved	2013-04-18 12:02	Create	Last Name	DHS OIG	24042		User Change
DhsComplaintPartiesInvolved	2013-04-18 12:02	Create	Organization	DHS - HQ	24042		User Change
DhsComplaintPartiesInvolved	2013-04-18 12:02	Create	Contact Type	Source	24042		User Change
DhsComplaintPartiesInvolved	2013-04-18 12:04	Create	Last Name	(b)(6)	24043		User Change
DhsComplaintPartiesInvolved	2013-04-18 12:04	Create	City	Kearney	24043		User Change
DhsComplaintPartiesInvolved	2013-04-18 12:04	Create	Address Line 1	Hudson County Jail	24043		User Change
DhsComplaintPartiesInvolved	2013-04-18 12:04	Create	State	New Jersey - NJ	24043		User Change
DhsComplaintPartiesInvolved	2013-04-18 12:04	Create	Alien Registration	(b)(6)	24043		User Change
DhsComplaintPartiesInvolved	2013-04-18 12:04	Create	Contact Type	Sender	24043		User Change
DhsComplaintPartiesInvolved	2013-04-18 12:04	Create	First Name	(b)(6)	24043		User Change
	2014-			(b)(5)			

DhsComplaintPartiesInvolved	01-29 15:40	Create	Comments	(b)(5)	24989	(b)(6)	User Change
DhsComplaintPartiesInvolved	2014- 01-29 15:40	Create	Last Name	(b)(6)	24989	(b)(6)	User Change
DhsComplaintPartiesInvolved	2014- 01-29 15:40	Create	Contact Type	On Behalf Of	24989	(b)(6)	User Change
DhsComplaintPartiesInvolved	2014- 01-29 15:40	Create	First Name	(b)(6)	24989	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 05-03 09:30	Update	State		24043	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 05-03 09:30	Update	Address Line 1		24043	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 05-03 09:30	Update	Comments	According to EARM, Mr. (b)(6) who was an ICE detainee at Hudson County Jail at the time he wrote to DHS OIG, was released under an Order of Recognizance on 4/03/2013. EARM lists his home address added to EARM on 01/30/2013 as: (b)(6)	24043	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 05-03 09:30	Update	City		24043	(b)(6)	User Change



Homeland
Security

May 8, 2013

(b)(6)

Auburn, WA 98092

Ref.: Reclamo N.º 13-07-ICE-0152;

Estimado(a) (b)(6)

La Oficina de Derechos Civiles y Libertades Civiles (CRCL) del Departamento de Seguridad Nacional ha recibido su reclamo el April 16, 2013 . Gracias por comunicarse con nosotros para referirnos sus inquietudes. La oficina CRCL revisa y evalúa la información concerniente a los abusos de los derechos y libertades civiles, y la discriminación por perfil racial, étnico o religioso por parte de empleados o agentes del Departamento de Seguridad Nacional.

Damos suma importancia a los asuntos que usted menciona y deseamos informarle cómo nuestra oficina gestionará su reclamo. Inicialmente, enviaremos su reclamo a la Oficina DHS del Inspector General para su evaluación. Si el Inspector General se niega a aceptar el reclamo, el mismo será enviado a la oficina CRCL para proporcionar una respuesta adecuada. Una vez que la oficina CRCL inicia un reclamo formal, nosotros o la oficina del DHS correspondiente conducirá una investigación sobre los asuntos que usted menciona. La oficina CRCL se comunicará con usted para informarle el curso anticipado de la investigación de su reclamo, y le notificará los resultados eventualmente.

Por favor, tenga en cuenta que nuestro proceso de reclamos no proporciona a los individuos derechos o recursos legales o procesales. En consecuencia, la oficina CRCL no puede obtener recursos legales o reparación por daños y perjuicios en su nombre. En su lugar, utilizamos los reclamos como el suyo para identificar y abordar problemas en las políticas del DHS y su implementación. Si considera que han violado sus derechos, le sugerimos consultar con un abogado. Podría haber limitaciones de tiempo que rigen con qué rapidez debe actuar para proteger sus intereses.

Si aún no lo ha hecho, por favor proporcione a la oficina del CRCL su información completa de contacto, incluido el número de teléfono, correo electrónico y dirección postal, si está disponible. Puede comunicarse con la oficina CRCL por correo electrónico a la dirección CRCLCompliance@hq.dhs.gov, por fax al 202-401-4708, o por correo postal a la siguiente dirección:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

Para obtener información adicional sobre las funciones y responsabilidades de la oficina CRCL, visite nuestro sitio web en la dirección <http://www.dhs.gov/crcl>.

Si está presentando un reclamo en representación de otra persona, por favor proporcione a la oficina CRCL un consentimiento expreso por escrito de la persona si desea recibir información sobre la resolución de este reclamo. Cuando se comunique con la oficina CRCL sobre este asunto, por favor incluya el número de reclamo que aparece al comienzo de esta carta. Nuevamente, le damos las gracias por comunicarse con la Oficina de Derechos Civiles y Libertades Civiles. Las comunicaciones como la suya son esenciales para que podamos cumplir con nuestra función de respaldar la misión del Departamento de proteger a la nación preservando, al mismo tiempo, las libertades individuales, la justicia y la igualdad ante la ley. Esperamos poder colaborar junto a usted para abordar sus inquietudes. Si tiene preguntas, comuníquese con la oficina CRCL por escrito o por teléfono al 866-644-8360 o al 866-644-8361 (línea TTY para personas con problemas de audición o del habla).

Atentamente,



Jeffrey S. Blumberg
Director, Departamento de Cumplimiento
Oficina de Derechos Civiles y Libertades Civiles
Departamento de Seguridad Nacional de EE.UU.

Declaración de la Ley de Privacidad

Autoridad: El Código de Estados Unidos, Título 6, Artículo 345, y Título 42, Artículo 2000ee-1, autoriza la recopilación de esta información.

Propósito: El Departamento de Seguridad Nacional (Department of Homeland Security; DHS) utilizará esta información para evaluar e investigar reclamos e información del público sobre posibles violaciones de derechos o libertades civiles relacionadas a empleados, programas o actividades del DHS.

Usos de rutina: Esta información puede ser divulgada y utilizada por personal y contratistas dentro del DHS que necesiten obtener acceso a ella con el fin de evaluar su reclamo. Asimismo, la Oficina de Derechos Civiles y Libertades Civiles del DHS (CRCL) podría compartir su información, según fuera necesario, con ciertas agencias gubernamentales pertinentes fuera del ámbito del DHS, o con entidades no gubernamentales, con el fin de abordar su reclamo, o de conformidad con lo publicado en el Sistema de Registros de los Archivos del Departamento de Seguridad Nacional/ALL-029 Oficina de Derechos Civiles y Libertades Civiles.

Divulgación: Proporcionar esta información a la Oficina CRCL es de carácter voluntario; sin embargo, no proporcionar la información solicitada podría demorar o impedir a CRCL evaluar e investigar su reclamo de manera adecuada. Si fuera necesario, CRCL también podría solicitarle información adicional con el fin de determinar la manera adecuada de dar curso a sus inquietudes.

Para obtener más información sobre la Ley de Privacidad, consulte el sitio web www.dhs.gov/privacy.



Department of Homeland Security (DHS)
Office for Civil Rights and Civil Liberties

Civil Rights Complaint

Fillable Version (last modified 3/15/2011)

The purpose of this form is to assist you in filing a civil rights/civil liberties complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding DHS programs and activities. This form is not intended to be used for complaints about employment with DHS. You are not required to use this form to file a complaint; a letter with the same information is sufficient. However, if you file a complaint by letter, you should include the same information that is requested in the form.

CRCL Mission:

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin (including language proficiency), religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see www.dhs.gov/eeo.)
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency?
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women Act's confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

Notes on Confidentiality and Anonymity:

- A)** You may remain anonymous by not filling in your name, below. However, CRCL may not be able to investigate your complaint unless you provide enough information to conduct an investigation.
- B)** Disclosure of the information you provide, including your identity, is on a "need-to-know" basis, and is discussed in the Privacy Statement at the end of this document. **IF YOU CHECK THE BOX BELOW, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct).** Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.
- ☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.
- C)** Reprisal against complainants to CRCL is unlawful; if you feel you have been a victim of reprisal, CALL US. 1-866-644-8360.

Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① Information about the person who experienced the civil rights/civil liberties violation

(fill in what you can)

Name: (b)(6) _____
First and Middle Last

Phone #: Cell: 206 (b)(6) Home: Work: _____

Please note that we may contact you at the provided numbers.

Mailing Address: (b)(6) _____
PO Box or Street address City State Zip

Date of Birth: (b)(6) Email (optional): (b)(6) @hotmail.com

Alien Registration #: (if you have one and it's available): A# (b)(6)

☐ Check here if you are in detention now.

Which facility? No
Facility name Facility address

☐ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information No

② Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.

Name: No
First Last Job title

Organization (if any): _____

Phone #: Cell: Home: Work: _____

Mailing Address: _____
PO Box or Street address City State Zip

③ What happened? Describe your complaint. Give as much detail about your experience as possible.

I was about to leave home for work and there was a car with license plate (b)(6),(b)(7) and a gray Durango truck. They drove into my driveway and the passenger got off the car and took out a gun and threatened me. He told me, "Are you (b)(6)?" I replied I was. Both the driver and the passenger told me they were from IMMIGRATION. They ordered me to get to the ground and to put my hands behind my back. I obeyed them. Then they handcuffed me, tightening the handcuffs very hard as if I were a criminal. They brought me to my feet and I asked them what the problem was, and they told me I had felonies in CALIFORNIA and that I had been in JAIL, and they also told me that I should be in MEXICO because I had been deported. But what I didn't like is that they pulled my shirt's neck because I was telling them that my green card was in my house. He didn't believe me and continued to yell at me and to pull my shirt's neck. At that moment, my 16 year-old daughter (b)(6) heard the yelling outside the house and she got frightened because she saw they were unfairly treating me like a criminal. My two other children were also looking out the window and seeing what was happening. All my children were crying when they saw how their father was being unfairly treated. My daughter (b)(6) told my wife (b)(6) what she was seeing from the window, how her father was being treated and how they were pulling my shirt's neck and screaming in my face without letting me talk. So my wife came out and asked the immigration agents what was going on. They asked her to bring (b)(6) green card and she said yes, because they didn't believe that I was a legal alien, and they told my wife to shut up and to stay away from me. Then they put me in the car telling me they were going to take me to jail if my wife didn't show up in 5 minutes with the green card. When he saw the green card, the one who had been pulling my shirt's neck called immigration to check if the green card was real.

Continue on an additional page, if needed.

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

When he verified that everything was in order, and that the green card was not fake and that I wasn't the person they were looking for, they told my wife SORRY. I'd like to know why they didn't bring a photo so they could be sure that I was the person they were looking for. The one with the problem is my cousin. He stole my identity to work in CALIFORNIA, but he's never worked in WASHINGTON. If they were so sure it was me, how come they didn't check for fingerprints. Besides, he's been in jail, he has tattoos, they have his picture and fingerprints. Why do they have to invade my privacy, scare my wife, make my children cry? They made me feel like a criminal and scum, that's why I'm filing my complaint and I'm looking for a LAWYER. We have the right to equal treatment, and we consider this racism. You should teach your agents how to treat people. The driver of the car was just observing what was going on without saying anything, and he's an accomplice, even though he did not mistreat me, but he witnessed everything. That's why I'll file a lawsuit, because many innocent people remain silent, but I won't. I'll take my case to its fullest extent. And I hope that agent receives more instruction on how to treat people. - 02/26/13 at 7:15 AM

Where did this happen?

Place (for example, name the detention facility, airport, other):

(b)(6)

City: Auburn

State or Country: WA

④ Who treated you unfairly?

An employee, contractor, or officer of (check as many as apply):

☒ Citizenship and Immigration Services (USCIS)

☐ Customs and Border Protection (CBP)*

☐ Customs Officer

☐ Border Patrol Agent

☐ Federal Emergency Management Agency (FEMA)

☐ Immigration and Customs Enforcement (ICE)

☐ Secret Service (USSS)

☐ Transportation Security Administration (TSA)*

☐ U.S. Coast Guard (USCG)

☐ Other DHS program (specify) :

☐ Not sure which DHS office

☐ Non-DHS employee working under the authority of DHS (e.g., 287g officer)

specify: _____

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency):

(b)(6)

Mailing Address:

(b)(6)

Auburn WA 98092

PO Box or Street address

City

State or Country

Zip

Phone No.:

(b)(6)

Email: _____

Names (or other information, e.g., agency): _____

Mailing Address: _____

PO Box or Street address

City

State or Country

Zip

Phone No.: _____

Email: _____

Continue on an additional page, if needed.

- ⑥ **Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?**

☐ **Yes:** Agency/Office/Court _____ Date: _____

☒ **No**

If so, has anyone responded to your complaint?

☐ **Yes** ☐ **No**

If Yes, describe what has been done to respond to your complaint:

Continue on an additional page, if needed.

- ⑦ **Is there any other information you want us to know about or consider?**

Continue on an additional page, if needed.

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.
-

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: crcl@dhs.gov

Phone: Local: 202-401-1474 or

Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470

Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security

CRCL/Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ To submit this form by email, please save, attach, and send to crcl@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to crcl@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the **types** of complaints, and **do not include personal information**. To read our past reports, go to www.dhs.gov/crcl.

To learn more about the Privacy Act go to the Federal Information Center, www.pueblo.gsa.gov.

You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.

Continue on this page, if needed.

Continue on this page, if needed.

(b)(6)

From: CRCL_DHSOIGHotline
Sent: Wednesday, May 08, 2013 10:23 AM
To: (b)(6) CRCL_DHSOIGHotline
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 13-07-ICE-0152
Follow Up Flag: Follow up
Flag Status: Flagged

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) [redacted]@hq.dhs.gov
Sent: Monday, May 06, 2013 3:48 PM
To: CRCL_DHSOIGHotline
Cc: (b)(6) [redacted]
Subject: CRCL Complaint Number 13-07-ICE-0152

DHS OIG,

Summary of new complaint for your review:

On April 16, 2013, CRCL received standard mail correspondence from (b)(6) [redacted], a legal permanent resident (LPR) who lives in Auburn, Washington. Mr. (b)(6) [redacted] alleges that on February 26, 2013, at 7:15 a.m., two "immigration agents" arrived at his house in a gray Durango truck (license plate (b)(6), (b)(7)(C) [redacted]) and deprived him of his rights. He reports that they placed him under arrest, charging him with committing felonies in California and illegally residing within the United States. He

says they also told him "he should be in Mexico" because he had previously been deported and served jail time.

Mr. (b)(6) claims that the immigration agent who drove the truck "just observed", but the passenger agent threatened him with a gun and handcuffed him. Mr. (b)(6) claims that when he told the immigration agent he was in possession of a green card, the agent "pulled on his shirt's neck." He states that his wife, (b)(6) offered to show the agent his green card which was inside their home. He alleges the immigration agent told his wife to "shut up", placed him in their car, and threatened to take him to jail if she did not have the card in five minutes. According to Mr. (b)(6) after his wife retrieved the green card from inside their home and the immigration agents verified it was valid, the agents released him. Mr. (b)(6) reports that the agents then apologized to his wife.

Mr. (b)(6) also reports that his cousin (unnamed in the correspondence to CRCL) stole his identity "to work in California." According to Mr. (b)(6) the person the immigration agents were seeking that day was in fact his cousin. Mr. (b)(6) alleges that the actions of the immigration agents violated his rights, and he states that he intends to file a lawsuit.

[Note: (b)(6) correspondence was written in Spanish and professionally translated into English by a language services company for CRCL. EARM has no records of Mr. (b)(6) Based on the available information, it appears that the agents who were involved in this incident were from ICE. On the complaint form submitted by Mr. (b)(6) however, USCIS was selected as the component involved.]

Thank you.

(b)(6)
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)
202-(b)(6) (c)
(b)(6)@hq.dhs.gov

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.



Homeland
Security

May 13, 2014

(b)(6)

Auburn, WA 98092

Re: Complaint No. 13-07-ICE-0152, (b)(6)

Dear Mr. (b)(6)

This letter is in response to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on April 16, 2013. Your complaint alleged that on February 26, 2013, two U.S. Immigration and Customs Enforcement (ICE) agents came to your home and, in the mistaken belief that you were your cousin, arrested you using excessive force. After your produced evidence of lawful permanent residence, the agents released you.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against DHS employees and officials concerning violations of civil rights and civil liberties. Accordingly, CRCL has conducted an investigation into your allegations. During the course of our investigation, CRCL learned that the ICE Office of Professional Responsibility (OPR) was also conducting an investigation into the allegations you raised. In order to complete our investigation, CRCL spoke with ICE officials, gathered information, and reviewed the investigative material provided by OPR.

Based on all the materials we reviewed, CRCL learned that the agent is no longer working for DHS. As a result, CRCL has now closed its investigation.

This concludes our review of this complaint. If you have any additional information or allegations, do not hesitate to provide the information. We appreciate you bringing these matters to our attention; inquiries like this help the Department of Homeland Security meet its obligations to protect civil rights and civil liberties.

Sincerely,

(b)(6)

Acting Deputy Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Protected by Attorney-Client and Deliberative Process Privileges



Homeland Security

To: (b)(6)
From: _____
Date: May 13, 2014
Complaint Number: 13-07-ICE-0152
Complainant Name(A#): (b)(6)

Finding(s) for Closure without Recommendations - (check all that apply):

☐ Insufficient information to investigate	☒ Allegation(s) substantiated but does not warrant recommendations
☐ Withdrawal of complaint	☐ No finding of detention standards violations
☐ Lack of jurisdiction	☐ No finding of policy or procedure violations
☐ Allegation(s) overtaken by events	☐ Complaint being handled as part of a related complaint (Related)
☒ Component and/or facility has already corrected the problem	☐ Other (provide details):
☐ Allegation(s) against component, individual, and/or facility unfounded	
☐ Allegation(s) against component, individual, and/or facility unsubstantiated	

Reason for Closing:

On April 16, 2013, CRCL received standard mail correspondence from (b)(6) (b)(6), a lawful permanent resident living in Auburn, Washington. He alleged that on February 26, 2013, at approximately 7:15 am, two ICE agents arrived at his home in a gray Durango truck. The driver stayed in the vehicle while the passenger got out of the car, pulled out and pointed his gun at Mr. (b)(6) and asked if he was (b)(6) Mr. (b)(6) stated that he was, and both agents ordered him to the ground. While handcuffing him, Mr. (b)(6) asked why he was being arrested. The agents allegedly informed him that he had committed felonies in California and had previously been deported to Mexico.

Mr. (b)(6) told the agents that they were wrong and that he was a lawful permanent resident. His wife and children came out of the house and questioned the agents. The agents asked his wife to bring evidence of this immigration status from the house while Mr. (b)(6) was placed in their vehicle. Ms. (b)(6) brought the documentation and the agents established that Mr. (b)(6) was not the (b)(6) who was their target. The individual they were attempting to apprehend was Mr. (b)(6) cousin. While the agents apologized, Mr. (b)(6) felt that his rights were violated by the agent's excessive force and use of his firearm.

CRCL opened this matter and sent an information request to ICE on June 5, 2013. On June 19, 2013, CRCL learned that OPR had opened a misconduct investigation involving the ICE agent with the firearm, (b)(6),(b)(7)(C) and that he had been named in a civil lawsuit filed by the complainant for excessive force.

On February 4, 2014, CRCL learned that the ICE Discipline and Adverse Action Panel (DAAP) proposed to remove SA (b)(6),(b)(7)(C) from his position as a criminal investigator and from federal service. OPR Seattle provided CRCL with a copy of the December 16, 2013, notice sent to the SA (b)(6),(b)(7)(C) and ICE have negotiated an agreement where Mr. (b)(6) will resign

Protected by the Deliberative Process Privilege

from his position, rather than being terminated, and he will no longer be eligible for federal service.

In light of the ICE DAAP proposal to remove SA (b)(6),(b)(7)(C) from federal service and his agreement to resign, I recommend closure of this complaint.

Special Circumstances

Recommend Office of General Counsel (OGC) Review (Y/N)

If Yes- provide a brief explanation

Suggested Closure Method(s) (check all that apply):

☒ Close Letter to Complainant ☐ Phone call (a description of which is documented in Writing) ☐ No notification necessary ☐ Other (provide details)	☒ Close email/memo to component ☐ High level component communication ☐ Close memo (No contact information)
--	--

Supporting Documents Attached:

For Completion by Reviewer:

Closure Recommendation Accepted X

Not Accepted ☐

(b)(6)

Protected by the Deliberative Process Privilege

From: ERO CRCL
To: (b)(6) ERO CRCL
Subject: RE: CRCL Complaint No. 13-07-ICE-0152 – Short Form Complaint
Date: Friday, June 07, 2013 1:38:04 PM

Good afternoon,

I received the following response from ERO Seattle:

Seattle ERO has no vehicles as described and none of our units were involved.

ERO states that they had no officers involved in this alleged incident. If you need any more information, please let me know-

(b)(6),(b)(7)(C)
Staff Officer/ Information Disclosure Section
Executive Information and Reporting Unit
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
202 (b)(6),(b)(7)(C) (O) 202 (b)(6),(b)(7)(C) (BB)
(b)(6),(b)(7) @ice.dhs.gov
(C) @ice.dhs.gov

From: (b)(6) @hq.dhs.gov]
Sent: Wednesday, June 05, 2013 4:39 PM
To: ERO CRCL
Subject: FW: CRCL Complaint No. 13-07-ICE-0152 – Short Form Complaint

From: (b)(6)
Sent: Wednesday, June 05, 2013 4:05 PM
To: (b)(6),(b)(7)(C)
Cc: (b)(6)
Subject: CRCL Complaint No. 13-07-ICE-0152 – Short Form Complaint

Good afternoon, everyone:

The Office for Civil Rights and Civil Liberties (CRCL) received the attached complaint regarding (b)(6) (b)(6) a legal permanent resident who lives in Auburn, Washington. Mr. (b)(6) alleges that two ICE agents came to his home and, in the mistaken belief that Mr. (b)(6) was his cousin, allegedly arrested him using extreme force. After production of his green card, the ICE agents allegedly released him.

Mr. (b)(6) alleges this incident took place on February 26, 2013 at 7:15 a.m. at (b)(6) (b)(6) Auburn, Washington 98092. Mr. (b)(6) alleges that the agents drove a gray Durango truck and a car with the license plate (b)(6),(b)(7)(C) (C)

CRCL has opened this complaint as a Short Form. As part of our investigation, I request the following documents or information:

- 1) (b)(5)
- 2)
- 3)
- 4)
- 5)

I would appreciate receiving the documents and information by COB Friday, June 21, 2013. Please advise if any documents or information do not exist or are not available.

Thank you for your assistance with this request and please let me know if you have any questions.

(b)(6)
DHS CRCL
202-357-(b)(6)
(b)(6)@hq.dhs.gov

From: (b)(6),(b)(7)(C)
To: (b)(6)
Subject: RE: CRCL Complaint No. 13-07-ICE-0152 – Short Form Complaint
Date: Thursday, June 13, 2013 11:12:47 AM

(b)(6)

I do not know if (b)(6) ever passed this information to you or not, but I could not find a case on this incident. (b)(6) told me that this complaint came into your office on April 16, 2013, and that OIG declined this case on May 8, 2013. I could not find anything in our system from the IG that they received an allegation on this incident.

Regards,

(b)(6),(b)(7)(C)

Regional Operations Manager
ICE Office of Professional Responsibility
HQ, Washington, DC
(o) 202-(b)(6),(b)(7)(C)

Duplicate

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-13-0324 13-07-ICE-0152 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2013-04-30 14:15	Create	Entry Date	04/30/2013	9003	(b)(6)	User Change
DhsComplaint	2013-04-30 14:15	Create	Method of Receipt	Standard Mail	9003		User Change
DhsComplaint	2013-04-30 14:15	Create	Sender Type	Individual	9003		User Change
DhsComplaint	2013-04-30 14:15	Create	Date on Correspondence	04/09/2013	9003		User Change
DhsComplaint	2013-04-30 14:15	Create	Date to DHS	04/16/2013	9003		User Change
DhsComplaint	2013-04-30 14:15	Create	Date to CRCL	04/16/2013	9003		User Change
DhsComplaint	2013-04-30 14:15	Create	Days to Process	14	9003		User Change
DhsComplaint	2013-04-30 14:15	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	9003		User Change
DhsComplaint	2013-04-30 14:15	Create	Summary	TBE	9003		User Change
DhsComplaint	2013-04-30 14:15	Create	Component Referenced	ICE	9003		User Change
DhsComplaint	2013-05-02 11:11	Update	Summary	On April 16, 2013, CRCL received standard mail correspondence from (b)(6) legal permanent resident (LPR) who lives in Auburn, Washington. Mr. (b)(6) alleges that on February 26, 2013, at 7:15 a.m., two "immigration ag	9003	(b)(6)	User Change
DhsComplaint	2013-05-02 11:11	Update	Days to Process	16	9003		User Change
				On April 16, 2013, CRCL received standard mail correspondence (b)(6)			

DhsComplaint	2013-05-02 11:11	Update	Executive Summary	(b)(6) a legal permanent resident (LPR) who lives in Auburn, Washington. Mr. (b)(6) alleges that on February 26, 2013, at 7:15 a.m., two "immigration ag	9003	(b)(6)	User Change
DhsComplaint	2013-05-03 15:43	Update	Summary	On April 16, 2013, CRCL received standard mail correspondence (b)(6) legal permanent resident (LPR) who lives in Auburn, Washington. Mr. (b)(6) alleges that on February 26, 2013, at 7:15 a.m., two "immigration ag	9003	(b)(6)	User Change
DhsComplaint	2013-05-03 15:43	Update	Days to Process	17	9003	(b)(6)	User Change
DhsComplaint	2013-05-03 15:43	Update	Executive Summary	On April 16, 2013, CRCL received standard mail correspondence (b)(6) legal permanent resident (LPR) who lives in Auburn, Washington. Mr. (b)(6) alleges that on February 26, 2013, at 7:15 a.m., two "immigration ag	9003	(b)(6)	User Change
DhsComplaintAction	2013-05-06 15:40	Create	Comments	Per Jeff Blumberg, this is opened as a short-form complaint on 5/2/2013 being assigned to (b)(6) on 5/2/2013.	110230	(b)(6)	User Change
DhsComplaintAction	2013-05-06 15:40	Create	Action	Open a Complaint	110230	(b)(6)	User Change
DhsComplaintAction	2013-05-06 15:40	Create	Action Date	05/06/2013	110230	(b)(6)	User Change
DhsComplaintAction	2013-05-06 15:51	Create	Comments	Sent 5/6/2013.	110231	(b)(6)	User Change
DhsComplaintAction	2013-05-06 15:51	Create	Action	Sent to IG	110231	(b)(6)	User Change
DhsComplaintAction	2013-05-06 15:51	Create	Action Date	05/06/2013	110231	(b)(6)	User Change

DhsComplaintAction	2013-05-08 16:15	Create	Action	IG Declines/Back from IG	110280	(b)(6)	User Change
DhsComplaintAction	2013-05-08 16:15	Create	Document	13-07-ICE-0152 (OIG Response 05.08.2013).pdf	110280		User Change
DhsComplaintAction	2013-05-08 16:15	Create	Action Date	05/08/2013	110280		User Change
DhsComplaintAction	2013-05-08 16:15	Create	Comments	Per Jeff Blumberg, this is opened as a short-form complaint on 5/2/2013 being assigned to (b)(6) on 5/2/2013.	110281		User Change
DhsComplaintAction	2013-05-08 16:15	Create	Action	Awaiting Recommendation	110281		User Change
DhsComplaintAction	2013-05-08 16:15	Create	Action Date	05/08/2013	110281		User Change
DhsComplaintAction	2013-05-10 15:33	Create	Action	Recommendation Review	110343		User Change
DhsComplaintAction	2013-05-10 15:33	Create	Action Date	05/10/2013	110343		User Change
DhsComplaintAction	2013-05-10 15:33	Create	Comments	short form	110344		User Change
DhsComplaintAction	2013-05-10 15:33	Create	Action	Back from Officer	110344		User Change
DhsComplaintAction	2013-05-10 15:33	Create	Action Date	05/10/2013	110344		User Change
DhsComplaintAction	2013-05-10 15:33	Create	Primary Assignment	(b)(6)	110344		User Change
DhsComplaintAction	2013-11-20 09:14	Create	Action Date	06/03/2013	111687		User Change
DhsComplaintAction	2013-11-20 09:14	Create	Action	Short Form	111687		User Change
DhsComplaintAction	2014-05-13 16:52	Create	Action	Closed - Short Form/No Further Action	113857		User Change
DhsComplaintAction	2014-05-13 16:52	Create	Reporting Summary	On August 16, 2013, CRCL recieved a complaint from an individual who alleged that one of two ICE agents used excessive force during an attempted enforcement action at the complainant's home. CRCL opened the matter as a short form and learned	113857		User Change

				that ICE OPR	(b)(6)	
DhsComplaintAction	2014-05-13 16:52	Create	Action Date	05/13/2014	113857	User Change
DhsComplaintAction	2014-05-13 16:52	Create	Internal Summary	On April 16, 2013, CRCL received standard mail correspondence (b)(6) lawful permanent resident living in Auburn, Washington. He alleged that on February 26, 2013, at approximately 7:15 am, two ICE agents arrived a	113857	User Change
DhsComplaintDocument	2014-02-07 14:06	Create	Document Type	Investigative Material	93304	User Change
DhsComplaintDocument	2014-02-07 14:06	Create	Dateentered	02/07/2014	93304	User Change
DhsComplaintDocument	2014-02-07 14:06	Create	Document 1	2014 (b)(6), (b)(7) Proposal.pdf	93304	User Change
DhsComplaintDocument	2014-02-07 14:06	Create	Foreign Language	No	93304	User Change
DhsComplaintDocument	2014-05-13 16:46	Create	Document 3	2014 (b)(6), (b)(7) Proposal.pdf	94647	User Change
DhsComplaintDocument	2014-05-13 16:46	Create	Document 2	2013_07_15 SE - CRCL - (b)(6) Complaint.pdf	94647	User Change
DhsComplaintDocument	2014-05-13 16:46	Create	Dateentered	05/13/2014	94647	User Change
DhsComplaintDocument	2014-05-13 16:46	Create	Document Type	Investigative Material	94647	User Change
DhsComplaintDocument	2014-05-13 16:46	Create	Foreign Language	No	94647	User Change
DhsComplaintDocument	2014-05-13 16:46	Create	Document 1	04 16 2013 (b)(6) English Translation1.pdf	94647	User Change
DhsComplaintDocument	2014-05-13 16:47	Create	Document 2	Close Memo - Complaint No 13-07-ICE-0152.pdf	94648	User Change
DhsComplaintDocument	2014-05-13 16:47	Create	Dateentered	05/13/2014	94648	User Change
DhsComplaintDocument	2014-05-13 16:47	Create	Document Type	Closed Letter	94648	User Change
DhsComplaintDocument	2014-05-13 16:47	Create	Foreign Language	No	94648	User Change

DhsComplaintDocument	2014-05-13 16:47	Create	Document 1	Close Letter Complaint No 13-07-ICE-0152.pdf	94648	(b)(6)	User Change
DhsComplaintDocument	2013-07-30 09:38	Create	Document Type	Miscellaneous Material/Other	91553		User Change
DhsComplaintDocument	2013-07-30 09:38	Create	Comments	Correspondence with OPR Seattle	91553		User Change
DhsComplaintDocument	2013-07-30 09:38	Create	Dateentered	07/30/2013	91553		User Change
DhsComplaintDocument	2013-07-30 09:38	Create	Document 1	correspondence with opr seattle.pdf	91553		User Change
DhsComplaintDocument	2013-07-30 09:38	Create	Foreign Language	No	91553		User Change
DhsComplaintDocument	2013-07-30 09:52	Create	Document Type	Short Form Doc	91555		User Change
DhsComplaintDocument	2013-07-30 09:52	Create	Comments	Short Form Info Request	91555		User Change
DhsComplaintDocument	2013-07-30 09:52	Create	Dateentered	07/30/2013	91555		User Change
DhsComplaintDocument	2013-07-30 09:52	Create	Document 1	short form request.pdf	91555		User Change
DhsComplaintDocument	2013-07-30 09:52	Create	Foreign Language	No	91555		User Change
DhsComplaintDocument	2013-07-30 09:57	Create	Document Type	Investigative Material	91558		User Change
DhsComplaintDocument	2013-07-30 09:57	Create	Comments	OPR and ERO emails	91558		User Change
DhsComplaintDocument	2013-07-30 09:57	Create	Document 2	response from ERO seattle.pdf	91558		User Change
DhsComplaintDocument	2013-07-30 09:57	Create	Dateentered	07/30/2013	91558		User Change
DhsComplaintDocument	2013-07-30 09:57	Create	Document 1	response from opr.pdf	91558		User Change
DhsComplaintDocument	2013-07-30 09:57	Create	Foreign Language	No	91558		User Change
DhsComplaintDocument	2013-05-08 15:21	Create	Document Type	Acknowledgement Letter	90592		User Change
DhsComplaintDocument	2013-05-08 15:21	Create	Foreign Language	No	90592		User Change
DhsComplaintDocument	2013-05-08 15:21	Create	Document 1	04.16.2013 13-07-ICE-0152.pdf	90592		User Change

DhsComplaintDocument	2013-05-08 15:21	Create	Dateentered	05/08/2013	90592	(b)(6)	User Change
DhsComplaintDocument	2013-05-08 15:21	Create	Comments	Sent 5/8/2013.	90592		User Change
DhsComplaintDocument	2013-04-30 14:19	Create	Document Type	Incoming Letter	90524		User Change
DhsComplaintDocument	2013-04-30 14:19	Create	Foreign Language	Yes	90524		User Change
DhsComplaintDocument	2013-04-30 14:19	Create	Document 1	04.16.2013 (b)(6) (Spanish Language).pdf	90524		User Change
DhsComplaintDocument	2013-04-30 14:19	Create	Dateentered	04/30/2013	90524		User Change
DhsComplaintDocument	2013-04-30 14:19	Create	Language	Spanish	90524		User Change
DhsComplaintDocument	2013-04-30 14:20	Create	Document Type	Incoming Letter	90525		User Change
DhsComplaintDocument	2013-04-30 14:20	Create	Foreign Language	No	90525		User Change
DhsComplaintDocument	2013-04-30 14:20	Create	Document 1	04.16.2013 (b)(6) English Translation.pdf	90525		User Change
DhsComplaintDocument	2013-04-30 14:20	Create	Dateentered	04/30/2013	90525		User Change
DhsComplaintIssue	2013-04-30 14:26	Create	Redirect to Subject	No	14322		User Change
DhsComplaintIssue	2013-04-30 14:26	Create	Ongoing	No	14322		User Change
DhsComplaintIssue	2013-04-30 14:26	Create	(b)(5)	(b)(5)	14322		User Change
DhsComplaintIssue	2013-04-30 14:26	Create	Incident Location Type	Residence	14322		User Change
DhsComplaintIssue	2013-04-30 14:26	Create	Primary Issue	No	14322		User Change
DhsComplaintIssue	2013-04-30 14:26	Create	Country	USA	14322		User Change
DhsComplaintIssue	2013-04-30 14:26	Create	Situation	DHS law enforcement activity	14322		User Change
DhsComplaintIssue	2013-04-30 14:26	Create	Incident Location	(b)(6)	14322		User Change
DhsComplaintIssue	2013-04-30 14:26	Create	State	Washington - WA	14322		User Change

DhsComplaintIssue	2013-04-30 14:26	Create	City	Auburn	14322	(b)(6)	User Change
DhsComplaintIssue	2013-04-30 14:27	Create	Redirect to Subject	No	14323		User Change
DhsComplaintIssue	2013-04-30 14:27	Create	Ongoing	No	14323		User Change
DhsComplaintIssue	2013-04-30 14:27	Create	(b)(5)	(b)(5)	14323		User Change
DhsComplaintIssue	2013-04-30 14:27	Create	Incident Location Type	Residence	14323		User Change
DhsComplaintIssue	2013-04-30 14:27	Create	Primary Issue	No	14323		User Change
DhsComplaintIssue	2013-04-30 14:27	Create	Country	USA	14323		User Change
DhsComplaintIssue	2013-04-30 14:27	Create	Situation	DHS law enforcement activity	14323		User Change
DhsComplaintIssue	2013-04-30 14:27	Create	Incident Location	(b)(6)	14323		User Change
DhsComplaintIssue	2013-04-30 14:27	Create	State	Washington - WA	14323		User Change
DhsComplaintIssue	2013-04-30 14:27	Create	City	Auburn	14323		User Change
DhsComplaintIssue	2013-05-06 15:45	Update	Primary Issue	Yes	14322		User Change
DhsComplaintPartiesInvolved	2013-04-30 14:23	Create	Middle Name	(b)(6)	24067		User Change
DhsComplaintPartiesInvolved	2013-04-30 14:23	Create	Last Name	(b)(6)	24067		User Change
DhsComplaintPartiesInvolved	2013-04-30 14:23	Create	State	Washington - WA	24067		User Change
DhsComplaintPartiesInvolved	2013-04-30 14:23	Create	First Name	(b)(6)	24067		User Change
DhsComplaintPartiesInvolved	2013-04-30 14:23	Create	Address Line 1	(b)(6)	24067		User Change
DhsComplaintPartiesInvolved	2013-04-30 14:23	Create	Alien Registration	(b)(6)	24067		User Change
DhsComplaintPartiesInvolved	2013-04-30 14:23	Create	Country	USA	24067		User Change
DhsComplaintPartiesInvolved	2013-04-30 14:23	Create	Prefix	Mr	24067		User Change

DhsComplaintPartiesInvolved	2013-04-30 14:23	Create	Sender Anonymous	No	24067	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013-04-30 14:23	Create	Zip Code	98092	24067		User Change
DhsComplaintPartiesInvolved	2013-04-30 14:23	Create	Contact Type	Sender	24067		User Change
DhsComplaintPartiesInvolved	2013-04-30 14:23	Create	City	Auburn	24067		User Change

CRCLCompliance

From: CRCLCompliance
Sent: Wednesday, July 17, 2013 1:01 PM
To: (b)(6)
Cc: CRCLCompliance
Subject: Follow-up to CRCL Complaint Number 13-08-ICE-0233
Attachments: 05.10.2013 13-08-ICE-0233.pdf

Dear Mr. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



**Homeland
Security**

This message, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying "received in error," and delete the message. In addition, this document may be used FOR OFFICIAL USE ONLY (FOUO) and/or contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). Therefore, it is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information, and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. Thank you.



Homeland
Security

July 17, 2013

(b)(6) Director of Legal & Policy Affairs
American-Arab AntiDiscrimination Committee

(b)(6)

Re: Complaint No. 13-08-ICE-0233; (b)(6)

Dear Mr. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on May 10, 2013, regarding (b)(6). Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS).

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at CRCLCompliance@hq.dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Authority: 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

Purpose: The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

Routine Uses: This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

Disclosure: Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to www.dhs.gov/privacy.

From: (b)(6)
To: (b)(6)
Subject: FW: ADC Inquiry: ICE Detroit Actions
Date: Thursday, May 16, 2013 11:57:42 AM

Please connect with the (b)(6) matter

(b)(6)

Deputy Director Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Tel (202) 357-(b)(6)

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: (b)(6)
Sent: Thursday, May 16, 2013 11:56 AM
To: (b)(6)
Cc: (b)(6)
Subject: FW: ADC Inquiry: ICE Detroit Actions

FYI – just making sure Compliance had this background on the ADC / ICE complaint (b)(6) the intern presented at the case opening meeting this morning.

(b)(6)

DHS / CRCL
202-357-(b)(6) desk
202-(b)(6) cell

From: (b)(6)
Sent: Friday, May 10, 2013 4:12 PM
To: Gersten, David; Hevman, David; Kessler, Tamara
Cc: (b)(6) Civil Liberties; (b)(6)
Subject: Re: ADC Inquiry: ICE Detroit Actions

FYI, (b)(6),(b)(7)(C) indicated this was an HSI encounter; not ERO.

(b)(6) JD, LL.M.
Senior Policy Advisor / Section Lead
Community Engagement Section
Office for Civil Rights and Civil Liberties (CRCL)
Office of the Secretary

US Department of Homeland Security (DHS)

202-(b)(6) (Mobile)

(b)(6)@hq.dhs.gov

<http://www.dhs.gov/crcl>

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From: (b)(6)@adc.org]
Sent: Friday, May 10, 2013 03:49 PM Eastern Standard Time
To: Gersten, David; Heyman, David; Kessler, Tamara; (b)(6)
Cc: (b)(6) Civil Liberties
Subject: ADC Inquiry: ICE Detroit Actions

Dear Colleagues,

I hope this message finds you well.

Attached you will find a letter sent to Secretary Napolitano this afternoon. The purpose of the letter is bring to your attention alarming action taken by Immigration and Customs Enforcement (ICE) agents in Detroit, Michigan. The matter pertains to the arrest and immediate deportation of two individuals of Syrian descent, a 24 year old male and a 23 year old female, brother and sister. The families of the individuals have contacted ADC seeking legal assistance and counsel.

As the letter indicates, ADC expresses serious concern about the actions of the ICE agents in the removal of the two individuals. The siblings were not provided access to legal counsel, and further, they were questioned about their contacts in Syria. The siblings were also questioned as to whether they knew anyone in Dearborn that supports terrorist organizations.

This is the first such complaint ADC has received of this nature, and the hope is that this is an isolated incident. The actions taken by ICE agents in Detroit are contrary to procedure and protocol, as has been explained to ADC. An inquiry was made to the Detention & Removal Office in Detroit prior to the removal of the siblings, and it was indicated that they had no information about the matter.

ADC looks forward to discussing this matter further. You can reach me via email, or on my direct line at 202-(b)(6)

Thank you,

(b)(6)

(b)(6)

Legal Director

American-Arab Anti-Discrimination Committee (ADC)

1990 M Street, NW

Direct Line: 202

Cell Phone: 313

Email: (b)(6)

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This email has been scanned by the Boundary Defense for Email Security System. For more information please visit <http://www.apptix.com/email-security/antispam-virus>

From: (b)(6)
To: CRCL Compliance
Subject: FW: ADC Inquiry: ICE Detroit Actions
Date: Monday, June 10, 2013 2:57:32 PM
Attachments: ADC Inquiry ICE Detroit.pdf

As requested. Attachment included.



Homeland Security

(b)(6) JD, LL.M.
Senior Policy Advisor / Section Lead
Community Engagement Section
Office for Civil Rights and Civil Liberties (CRCL)
Office of the Secretary
US Department of Homeland Security (DHS)
202 (b)(6) Office)
202 (b)(6) Mobile)
(b)(6) @hq.dhs.gov
<http://www.dhs.gov/crcl>

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Duplicate



American-Arab Anti-Discrimination Committee

May 10, 2013

Via First-class Mail

Via Facsimile to 202-612-1976

The Honorable Secretary Janet Napolitano
Department of Homeland Security
United States Department of Homeland Security
Washington, DC 20528

Re: ICE Raid – Detroit, MI

Dear Secretary Napolitano:

I am writing to you on behalf of the American-Arab Anti-Discrimination Committee (ADC), the country's largest Arab-American organization. ADC is grassroots organization, which has protected the Arab-American community for over thirty years against defamation, discrimination, and stereotyping.

The purpose of this letter is to bring to your attention alarming action taken by Immigration and Customs Enforcement (ICE) agents in Detroit, Michigan. The matter pertains to the arrest and immediate deportation of two individuals of Syrian descent, a 24 year old male and a 23 year old female, brother and sister. The families of the individuals have contacted ADC seeking legal assistance and counsel.

The individuals, both UK citizens, arrived to the US via the visa waiver program just under six weeks ago. On the afternoon of May 9, 2013, ICE agents raided the residence of the individuals. ICE agents alleged that they received a tip indicating the individuals were working illegally while in the US. The agents acted with force and aggression upon entering the residence, and immediately apprehended the individuals.

Upon apprehension, families of the individuals were told that the siblings would be immediately sent to the UK. It is important to note that the siblings obtained UK citizenship from their father at a young age and have spent most of their life in Syria. Furthermore, ICE agents would not permit the siblings to contact an attorney or seek any legal advice.

Hours after the initial detainment, and much pleading from the family, the siblings were permitted to contact family members. The siblings informed family members that ICE agents interrogated the individuals. ICE agents asked many questions pertaining to their family in Syria, including questions such as *"Who do you think is fighting on the ground," "Do you know anyone from Hezbollah or Al-Qaida in Dearborn who is supporting these groups,"* and, *"Could you provide names of individuals supporting terrorist organizations."*

The siblings were told that the US government has surveillance indicating that they have travelled to Lebanon, as well as "recordings of their phone conversations." The siblings were told that if they cooperated with ICE agents, their record would indicate that they "assisted the government."



The siblings were put on a plane to the UK on the evening of May 9, 2013. The siblings have not been to the UK during their adult life, and have been sent to a country they are not familiar with. ICE agents gave the siblings the opportunity to return to Syria – which shows complete lack of understanding of the current situation in Syria. In February of 2012 you granted Temporary Protective Status (TPS) to Syrian nationals – the fact that agents from a component of DHS would offer to deport someone to Syria, despite all the recognized dangers, is troubling.

The facts, as provided to ADC, are very alarming and raise serious questions about the actions taken by the ICE agents. It is clear that the questions asked to the siblings are a direct result of their Syrian heritage. The Department of Homeland Security (DHS) must not engage in such practice as it undermines the mission of your respective agency. Further, refusal to allow legal counsel to the siblings is a major concern not only for Arab Americans, but for all immigrant communities who are subject to abuses of power by ICE agents and officials.

This is the first such complaint ADC has received of this nature, and the hope is that this is an isolated incident. The actions taken by ICE agents in Detroit are contrary to procedure and protocol, as has been explained to ADC. An inquiry was made to the Detention & Removal Office in Detroit prior to the removal of the siblings, and it was indicated that they had no information about the matter.

ADC requests that an immediate investigation into the matter. ADC seeks assurances that individuals of Syrian heritage are not treated differently simply because of their national origin.

ADC will continue to work with the family, and take all necessary steps to rectify the matter. Should you wish to discuss this matter further, please contact me directly at 202-(b)(6)

Sincerely, (b)(6)

(b)(6)

Policy Affairs

Mr. David Gersten – *Department of Homeland Security (DHS)*

Mr. David Heyman – *Department of Homeland Security (DHS)*

Ms. Tamara Kessler - *Department of Homeland Security (DHS)*

Mr. (b)(6) – *Department of Homeland Security (DHS)*

Mr. (b)(6) – *ADC Senior National Advisor/Regional Director*

ADC Legal Department

From: (b)(6)
To: (b)(6)
Cc: CRCL Compliance; Blumberg, Jeffrey; (b)(6)
Subject: FW: S1 Correspondence from (b)(6) re: Complaints of Mistreatment and Deportation by ICE Agents in Detroit - WF # 981173
Date: Monday, May 13, 2013 9:52:02 AM
Attachments: 981173 attachment 13-2400 (b)(6) 05.10.13.pdf

Hi (b)(6)

Please process this correspondence as a new Contact. The names of the siblings involved are not identified in the letter.

The Source is DHS Executive Secretariat. Include the Exec Sec Workflow Number of 981173 in the Allegation Summary and note that DHS Exec Sec assigned this matter to ICE for response and sent a copy to CRCL as an FYI. (b)(6) Section Lead of the Community Engagement Section, has asked CRCL Exec Sec to ask DHS Exec Sec if CRCL can coordinate on a response.

Based on the letter, CRCL also received the correspondence directly from the American-Arab Anti-Discrimination Committee (ADC) as a courtesy copy. (I will check if we have received the fax. If we did, it would have been received just last Friday, May 10, (b)(6) telework day, and may be awaiting scanning. I will inform (b)(6) that Compliance will handle this matter.)

Please include this email thread as an Internal CRCL Email (Miscellaneous Document Type) in Entellitrak.

Thank you.

(b)(6)

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)
(b)(6)@hq.dhs.gov

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-----Original Message-----

From: (b)(6)
Sent: Friday, May 10, 2013 5:41 PM
To: Kessler, Tamara; Gersten, David; (b)(6) Blumberg, Jeffrey; (b)(6)
(b)(6)
Cc: (b)(6)
Subject: S1 Correspondence from (b)(6) re: Complaints of Mistreatment and Deportation by ICE Agents in Detroit - WF # 981173

This was sent to CRCL as an FYI. ICE has been tasked to reply direct by 6/3/13.

Sincerely,

(b)(6)

DHS/CRCL/CRCL ExecSec
(202) 357-(b)(6) Direct ~ (202) (b)(6) Mobile
(202) 357-1196 Fax ~ (b)(6)@hq.dhs.gov

-----Original Message-----

From: [REDACTED]@IQ.DHS.GOV]

Sent: Friday, May 10, 2013 5:12 PM

To: CRCL Exec Sec

Subject: Information for ESEC Workflow # 981173 (Contact 981173) (Intranet Quorum IMA003868817)

CRCL: This is an FYI.

<https://IQ.dhs.gov/iq/workflowhome.aspx?showfolder=workflow&showcontent=ID981173&iAccount=IQ>



Over 30 of Dedicated Service to Civil and Human Rights

FAX

RECEIVED
2013 MAY 10 PM 4:42

To: Secretary Napolitano **From:** (b)(6)
Fax: 202 (b)(6) **Pages:** 3 (Including cover)
Phone: **Date:** May 10, 2013
Re: ICE Detroit Matter **CC:**
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments:

(b)(6)

The documents accompanying this facsimile transmission contain confidential information belonging to the sender which is legally privileged. The information is intended for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, or distribution or taking of any action in reliance on the contents of this facsimile transmission is strictly prohibited.

Unauthorized interception of this facsimile communication is a violation of Federal and state law.

American-Arab Anti-Discrimination Committee

1732 Wisconsin Avenue, NW | Washington, DC 20007

Tel: 202 (b)(6) Fax: 202 (b)(6) Email: (b)(6) | www.adc.org



U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

(b)(6)

American-Arab Anti-Discrimination Committee
1990 M Street, NW, Suite 610
Washington, D.C. 20036

Dear Mr. (b)(6)

Thank you for your May 10, 2013, letter to Janet Napolitano, Secretary of Homeland Security. In your letter, you request an immediate investigation into the removal of a brother and sister of Syrian descent and request assurance that individuals of Syrian heritage are not treated differently simply because of their national origin. Your letter was referred to U.S. Immigration and Customs Enforcement (ICE) for response.

As your letter did not include identifying information regarding the subjects of your letter and privacy waiver forms authorizing disclosure to third parties (ICE FORM 60-001), signed by the individuals referenced in your letter, ICE is unable to provide to you any information regarding this matter. The Privacy Act of 1974, (5 U.S.C. § 552a), provides statutory privacy rights to U.S. citizens and lawful permanent residents. Although the Privacy Act only applies to U.S. citizens and lawful permanent residents of the United States, Department of Homeland Security (DHS) Privacy Policy Guidance Memorandum 2007-1 provides that any personally identifiable information that is collected, used, maintained, and/or disseminated in connection with a mixed system by DHS shall be treated as a system of records subject to the Privacy Act regardless of whether the information pertains to a U.S. citizen, lawful permanent resident, visitor, or alien. Accordingly, any DHS release of information about a citizen, permanent resident, visitor, or alien must comply with the Privacy Act's disclosure requirements.

Although I cannot provide specific information about the individuals you reference in your letter, I can assure you that in developing and implementing its enforcement policies and procedures, ICE makes every effort to handle these matters fairly, professionally, and in

(b)(5)

Thank you once again for your letter.

Sincerely,

(b)(6),(b)(7)(C)

Deputy Associate Director

www.ice.gov

(b)(6)

From: CRCL_DHSOIGHotline <CRCL_DHSOIGHotline@oig.dhs.gov>
Sent: Thursday, July 18, 2013 3:32 PM
To: (b)(6) CRCL_DHSOIGHotline
Cc: (b)(6)

Subject: RE: CRCL Complaint Number 13-08-ICE-0233

Follow Up Flag: Follow up
Flag Status: Flagged

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@hq.dhs.gov
Sent: Wednesday, July 17, 2013 12:36 PM
To: CRCL_DHSOIGHotline
Cc: (b)(6)
Subject: CRCL Complaint Number 13-08-ICE-0233

DHS OIG,

Summary of new complaint for your review:

On May 10, 2013, CRCL received an email from DHS Executive Secretary (Workflow #981173) regarding the May 10, 2013, correspondence from Mr. (b)(6) from the American-Arab Anti Discrimination Committee (ADC) to the Secretary of Homeland Security, on behalf of two unnamed individuals of Syrian descent, a 24-year-old male and a 23-year-old female, who are brother and sister. (The ADC later identified them as (b)(6)) According to the ADC's letter, dated May 10,

2013, ICE agents in Detroit, Michigan engaged in racial profiling and infringed upon the legal access rights of these two individuals, who arrived in the United States via the visa waiver program." The ADC states that the siblings are both citizens of the United Kingdom (UK), but spent most of their lives in Syria. The ADC reports that on May 9, 2013, ICE agents in Detroit, Michigan, raided their home, arrested, and immediately deported them to the UK on the same day. The ADC alleges racial profiling in this incident, claiming that the raid was conducted as "a direct result of their [unidentified individuals'] Syrian heritage." The ADC also claims that ICE agents interrogated them about their family in Syria. The ADC says the ICE agents asked questions such as, "Could you provide names of individuals supporting terrorist organizations?" The ADC further alleges that ICE agents denied the individuals the right to obtain legal counsel. The ADC states, "ICE agents would not permit the siblings to contact an attorney or seek any legal advice."

In response to a question from CRCL, the ADC on June 25, 2013, identified the siblings involved in the alleged incident as (b)(6)

[Note: DHS Exec Sec assigned this matter to ICE for response and sent a copy to CRCL as an FYI. Acting Officer for CRCL Tamara Kessler, as well as David Gersten, Director of the Programs Branch, and (b)(6) Section Lead of the Community Engagement Section, were courtesy copied by the ADC in the incoming letter from the ADC. CRCL also received a copy of the correspondence directly from the ADC. CRCL requested that DHS Exec Sec enable CRCL to coordinate with ICE on the response; ICE sent CRCL the draft response for review and comment before finalizing it.]

Thank you.

(b)(6)
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)
202-(b)(6) (c)
(b)(6)@hq.dhs.gov

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DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-13-0347 13-08-ICE-0233 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2013-05-16 13:02	Create	Entry Date	05/16/2013	9026	(b)(6)	User Change
DhsComplaint	2013-05-16 13:02	Create	Method of Receipt	Email	9026		User Change
DhsComplaint	2013-05-16 13:02	Create	Date on Correspondence	05/10/2013	9026		User Change
DhsComplaint	2013-05-16 13:02	Create	Date to DHS	05/10/2013	9026		User Change
DhsComplaint	2013-05-16 13:02	Create	Date to CRCL	05/10/2013	9026		User Change
DhsComplaint	2013-05-16 13:02	Create	Days to Process	6	9026		User Change
DhsComplaint	2013-05-16 13:02	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	9026		User Change
DhsComplaint	2013-05-16 13:02	Create	Summary	On May 10, 2013, CRCL received an email from DHS Executive Secretary (Workflow #981173) to the May 10, 2013, correspondence from Mr. (b)(6) from the American-Arab Anti Discrimination Committee (ADC) to the Secretary of Homeland Security, on behalf	9026		User Change
DhsComplaint	2013-05-16 13:02	Create	Component Referenced	ICE	9026		User Change
DhsComplaint	2013-05-16 13:04	Update	Summary	On May 10, 2013, CRCL received an email from DHS Executive Secretary (Workflow #981173) regarding the May 10, 2013, correspondence from Mr. (b)(6) from the American-Arab Anti Discrimination Committee (ADC) to the Secretary of Homeland Security, on	9026		User Change
DhsComplaint	2013-07-17	Update	Days to Process	68	9026		User

	10:02					(b)(6)	Change
DhsComplaint	2013-07-17 10:02	Update	Summary	On May 10, 2013, CRCL received an email from DHS Executive Secretary (Workflow #981173) regarding the May 10, 2013, correspondence from Mr. (b)(6) (b)(6) from the American-Arab Anti Discrimination Committee (ADC) to the Secretary of Homeland Security, on	9026		User Change
DhsComplaint	2013-07-16 17:41	Update	Days to Process	67	9026		User Change
DhsComplaint	2013-07-16 17:41	Update	Summary	On May 10, 2013, CRCL received an email from DHS Executive Secretary (Workflow #981173) regarding the May 10, 2013, correspondence from Mr. (b)(6) (b)(6) from the American-Arab Anti Discrimination Committee (ADC) to the Secretary of Homeland Security, on	9026		User Change
DhsComplaintAction	2013-07-17 12:31	Create	Comments	Per (b)(6) (b)(6) this is (b)(5),(b)(6) (b)(5),(b)(7)(A) 5/16/2013 being assigned to (b)(6) (b)(6) on 7/15/2013. Per (b)(6) (b)(6) ICE has been tasked with (b)(5),(b)(7)(A) and follow-up with (b)(6)	110896		User Change
DhsComplaintAction	2013-07-17 12:31	Create	Action Date	07/17/2013	110896		User Change
DhsComplaintAction	2013-07-17 12:31	Create	Action	Open a Complaint	110896		User Change
DhsComplaintAction	2013-07-17 12:38	Create	Comments	Sent 7/17/2013.	110897		User Change
DhsComplaintAction	2013-07-17 12:38	Create	Action Date	07/17/2013	110897		User Change
DhsComplaintAction	2013-07-17 12:38	Create	Action	Sent to IG	110897		User Change
	2013-			13-08-ICE-0233 (OIG			User

DhsComplaintAction	07-18 15:41	Create	Document	Response 07.18.2013).pdf	110916	(b)(6)	Change
DhsComplaintAction	2013- 07-18 15:41	Create	Action Date	07/18/2013	110916		User Change
DhsComplaintAction	2013- 07-18 15:41	Create	Action	IG Declines/Back from IG	110916		User Change
DhsComplaintAction	2013- 07-18 15:42	Create	Comments	Per (b)(6) (b)(6) this is (b)(5),(b)(7) (b)(5),(b)(7)(A) 5/16/2013 being assigned to (b)(6) (b)(6) on 7/15/2013. Per (b)(6) (b)(6) ICE has been tasked with (b)(5),(b)(7)(A) and follow-up with (b)(6)	110917		User Change
DhsComplaintAction	2013- 07-18 15:42	Create	Action Date	07/18/2013	110917		User Change
DhsComplaintAction	2013- 07-18 15:42	Create	Action	Awaiting Recommendation	110917		User Change
DhsComplaintAction	2013- 07-26 12:30	Create	Action Date	07/26/2013	110983		User Change
DhsComplaintAction	2013- 07-26 12:30	Create	Action	Recommendation Review	110983		User Change
DhsComplaintAction	2013- 07-26 12:30	Create	Comments	short form	110984		User Change
DhsComplaintAction	2013- 07-26 12:30	Create	Action Date	07/26/2013	110984		User Change
DhsComplaintAction	2013- 07-26 12:30	Create	Action	Back from Officer	110984		User Change
DhsComplaintAction	2013- 07-26 12:30	Create	Primary Assignment	(b)(6)	110984		User Change
DhsComplaintAction	2013- 11-20 09:17	Create	Action Date	07/26/2013	111689		User Change
DhsComplaintAction	2013- 11-20 09:17	Create	Action	Short Form	111689		User Change
DhsComplaintDocument	2013- 07-17 13:03	Create	Foreign Language	No	91370		User Change
DhsComplaintDocument	2013- 07-17 13:03	Create	Document Type	Acknowledgement Letter	91370		User Change
DhsComplaintDocument	2013- 07-17	Create	Dateentered	07/17/2013	91370		User Change

	13:03					(b)(6)	
DhsComplaintDocument	2013-07-17 13:03	Create	Document 1	05.10.2013 13-08-ICE-0233.pdf	91370		User Change
DhsComplaintDocument	2013-07-17 13:03	Create	Comments	Sent 7/17/2013.	91370		User Change
DhsComplaintDocument	2013-07-17 10:05	Create	Foreign Language	No	91361		User Change
DhsComplaintDocument	2013-07-17 10:05	Create	Document Type	Investigative Material	91361		User Change
DhsComplaintDocument	2013-07-17 10:05	Create	Dateentered	07/17/2013	91361		User Change
DhsComplaintDocument	2013-07-17 10:05	Create	Document 1	06.25.2013 (b)(6) ADC-CRCL emails and CRCL internal email re (b)(6).pdf	91361		User Change
DhsComplaintDocument	2013-07-17 10:05	Create	Comments	CRCL internal email and 06/25/2013 email from (b)(6) of ADC identifying the referenced siblings involved in the alleged incident as (b)(6) (b)(6)	91361		User Change
DhsComplaintDocument	2013-07-17 10:07	Create	Foreign Language	No	91362		User Change
DhsComplaintDocument	2013-07-17 10:07	Create	Document Type	Miscellaneous Material/Other	91362		User Change
DhsComplaintDocument	2013-07-17 10:07	Create	Dateentered	07/17/2013	91362		User Change
DhsComplaintDocument	2013-07-17 10:07	Create	Document 1	06.14.2013 (b)(6) WF 981173 ICE Draft Response_CRCL edit.pdf	91362		User Change
DhsComplaintDocument	2013-07-17 10:07	Create	Comments	CRCL proposed edit on ICE draft response	91362		User Change
DhsComplaintDocument	2013-07-17 10:08	Create	Foreign Language	No	91363		User Change
DhsComplaintDocument	2013-07-17 10:08	Create	Document Type	Miscellaneous Material/Other	91363		User Change
DhsComplaintDocument	2013-07-17 10:08	Create	Dateentered	07/17/2013	91363		User Change
DhsComplaintDocument	2013-07-17 10:08	Create	Document 1	06.20.2013 ICE Response Letter_WF 981173 (to (b)(6).pdf	91363		User Change
				06/20/2013 ICE			

DhsComplaintDocument	2013-07-17 10:08	Create	Comments	response letter to Mr. (b)(6) ADC and internal CRCL email requesting that letter	91363	(b)(6)	User Change
DhsComplaintDocument	2013-07-17 10:08	Create	Document 2	07.15.2013 (b)(6) WF 981173 CRCL Internal Email.pdf	91363		User Change
DhsComplaintDocument	2013-07-17 10:09	Update	Comments	06/20/2013 ICE response letter to Mr. (b)(6) ADC and 07/15/2013 CRCL internal email requesting that letter	91363		User Change
DhsComplaintDocument	2013-05-16 13:40	Create	Document Type	Incoming Letter	90711		User Change
DhsComplaintDocument	2013-05-16 13:40	Create	Foreign Language	No	90711		User Change
DhsComplaintDocument	2013-05-16 13:40	Create	Document 1	05.10.2013 Unidentified UK Citizens_ESEC 981173_CRCL-ExecSec Incoming Letter (via ADC).pdf	90711		User Change
DhsComplaintDocument	2013-05-16 13:40	Create	Dateentered	05/16/2013	90711		User Change
DhsComplaintDocument	2013-05-16 13:43	Create	Document Type	Miscellaneous Material/Other	90712		User Change
DhsComplaintDocument	2013-05-16 13:43	Create	Foreign Language	No	90712		User Change
DhsComplaintDocument	2013-05-16 13:43	Create	Document 1	05.10.2013 Unnamed UK Citizens_ESEC 981173_CRCL-ExecSec Incoming Letter (via ADC).pdf	90712		User Change
DhsComplaintDocument	2013-05-16 13:43	Create	Dateentered	05/16/2013	90712		User Change
DhsComplaintDocument	2013-05-16 13:43	Create	Comments	CRCL Internal Email Thread	90712		User Change
DhsComplaintDocument	2013-05-23 17:55	Create	Document Type	Miscellaneous Material/Other	90758		User Change
DhsComplaintDocument	2013-05-23 17:55	Create	Foreign Language	No	90758		User Change
DhsComplaintDocument	2013-05-23 17:55	Create	Document 1	05.10.2013 ADC Inquiry_ ICE Detroit Actions_ADC Email and CRCL Internal Email.pdf	90758		User Change
DhsComplaintDocument	2013-05-23 17:55	Create	Dateentered	05/23/2013	90758		User Change
				May 10, 2013 ADC			

DhsComplaintDocument	2013-05-23 17:55	Create	Comments	Email to CRCL and CRCL Internal Email Thread, noting that (b)(6),(b)(7)(C) of the ICE ERO Public Advocate's Office indicated that the (b)(5),(b)(7)(A)	90758	(b)(6)	User Change
DhsComplaintDocument	2013-06-10 15:30	Create	Dateentered	06/10/2013	90878		User Change
DhsComplaintDocument	2013-06-10 15:30	Create	Document 1	05.10.2013 ADC Inquiry_ICE Detroit) Unnamed UK Citizens (b)(6) Email).pdf	90878		User Change
DhsComplaintDocument	2013-06-10 15:30	Create	Foreign Language	No	90878		User Change
DhsComplaintDocument	2013-06-10 15:30	Create	Document Type	Incoming Letter	90878		User Change
DhsComplaintDocument	2013-06-10 15:30	Create	Comments	05/10/2013 Email to CRCL and the DHS Office of Policy from (b)(6) of ADC on behalf of two unnamed UK citizens	90878		User Change
DhsComplaintIssue	2013-05-16 13:53	Update	Primary Issue	Yes	14353		User Change
DhsComplaintIssue	2013-05-16 13:13	Create	Redirect to Subject	No	14353		User Change
DhsComplaintIssue	2013-05-16 13:13	Create	Ongoing	No	14353		User Change
DhsComplaintIssue	2013-05-16 13:13	Create	(b)(5)	(b)(5)	14353		User Change
DhsComplaintIssue	2013-05-16 13:13	Create	Primary Issue	No	14353		User Change
DhsComplaintIssue	2013-05-16 13:13	Create	Country	USA	14353		User Change
DhsComplaintIssue	2013-05-16 13:13	Create	National Origin	Other	14353		User Change
DhsComplaintIssue	2013-05-16 13:13	Create	Situation	DHS law enforcement activity	14353		User Change
DhsComplaintIssue	2013-05-16 13:13	Create	State	Michigan - MI	14353		User Change
DhsComplaintIssue	2013-05-16 13:13	Create	City	Detroit	14353		User Change
DhsComplaintIssue	2013-05-16	Create	Other National Origin	Syrian	14353		User Change

	13:13					(b)(6)	
DhsComplaintIssue	2013-05-16 13:13	Create	Incident Date	05/09/2013	14353		User Change
DhsComplaintIssue	2013-05-16 13:17	Create	Redirect to Subject	No	14354		User Change
DhsComplaintIssue	2013-05-16 13:17	Create	Ongoing	No	14354		User Change
DhsComplaintIssue	2013-05-16 13:17	Create	(b)(5)	(b)(5)	14354		User Change
DhsComplaintIssue	2013-05-16 13:17	Create	Primary Issue	No	14354		User Change
DhsComplaintIssue	2013-05-16 13:17	Create	Country	USA	14354		User Change
DhsComplaintIssue	2013-05-16 13:17	Create	Situation	DHS law enforcement activity	14354		User Change
DhsComplaintIssue	2013-05-16 13:17	Create	State	Michigan - MI	14354		User Change
DhsComplaintIssue	2013-05-16 13:17	Create	City	Detroit	14354		User Change
DhsComplaintIssue	2013-05-16 13:17	Create	Incident Date	05/09/2013	14354		User Change
DhsComplaintIssue	2013-05-16 13:18	Create	Redirect to Subject	No	14355		User Change
DhsComplaintIssue	2013-05-16 13:18	Create	Ongoing	No	14355		User Change
DhsComplaintIssue	2013-05-16 13:18	Create	(b)(5)	(b)(5)	14355		User Change
DhsComplaintIssue	2013-05-16 13:18	Create	Primary Issue	No	14355		User Change
DhsComplaintIssue	2013-05-16 13:18	Create	Country	USA	14355		User Change
DhsComplaintIssue	2013-05-16 13:18	Create	Situation	DHS law enforcement activity	14355		User Change
DhsComplaintIssue	2013-05-16 13:18	Create	State	Michigan - MI	14355		User Change
DhsComplaintIssue	2013-05-16 13:18	Create	City	Detroit	14355		User Change
DhsComplaintIssue	2013-05-16 13:18	Create	Incident Date	05/09/2013	14355		User Change
DhsComplaintPartiesInvolved	2013-05-16	Create	Last Name	DHS Executive Secretary (Workflow	24112		User

	13:05			#981173)		(b)(6)	Change
DhsComplaintPartiesInvolved	2013-05-16 13:05	Create	Contact Type	Source	24112		User Change
DhsComplaintPartiesInvolved	2013-05-16 13:08	Create	Last Name	(b)(6)	24113		User Change
DhsComplaintPartiesInvolved	2013-05-16 13:08	Create	State	District of Columbia - DC	24113		User Change
DhsComplaintPartiesInvolved	2013-05-16 13:08	Create	First Name	(b)(6)	24113		User Change
DhsComplaintPartiesInvolved	2013-05-16 13:08	Create	Address Line 2	1732 Wisconsin Avenue	24113		User Change
DhsComplaintPartiesInvolved	2013-05-16 13:08	Create	Address Line 1	American-Arab Anti-Discrimination Committee	24113		User Change
DhsComplaintPartiesInvolved	2013-05-16 13:08	Create	Country	USA	24113		User Change
DhsComplaintPartiesInvolved	2013-05-16 13:08	Create	Prefix	Mr	24113		User Change
DhsComplaintPartiesInvolved	2013-05-16 13:08	Create	Zip Code	20007	24113		User Change
DhsComplaintPartiesInvolved	2013-05-16 13:08	Create	Contact Type	Sender	24113		User Change
DhsComplaintPartiesInvolved	2013-05-16 13:08	Create	City	Washington	24113		User Change
DhsComplaintPartiesInvolved	2013-05-16 13:08	Create	Phone	202-(b)(6)	24113		User Change
DhsComplaintPartiesInvolved	2013-05-16 13:10	Create	Last Name	Unnamed UK citizens	24114		User Change
DhsComplaintPartiesInvolved	2013-05-16 13:10	Create	State	Michigan - MI	24114		User Change
DhsComplaintPartiesInvolved	2013-05-16 13:10	Create	Comments	Mr. (b)(6) of the ADC wrote to DHS Exec Sec on behalf of two unnamed individuals of Syrian descent, a 24 year old male and a 23 year old female who are brother and sister. According to the ADC, they arrived in the United States via the visa waiver program.	24114		User Change
DhsComplaintPartiesInvolved	2013-05-16 13:10	Create	Contact Type	On Behalf Of	24114		User Change
DhsComplaintPartiesInvolved	2013-05-16	Create	City	Detroit	24114		User

	13:10					(b)(6)	Change
DhsComplaintPartiesInvolved	2013-07-17 12:45	Update	First Name	(b)(6)	24114		User Change
DhsComplaintPartiesInvolved	2013-07-17 12:47	Update	Comments	Mr. (b)(6) of the ADC wrote to DHS on behalf of two unnamed individuals of Syrian descent, unnamed in his correspondence. On June 25, 2013, in response to a question from CRCL, the Mr. (b)(6) provided with the names of the two individuals (siblings) involv	24114		User Change
DhsComplaintPartiesInvolved	2013-07-17 12:47	Update	Comments	Mr. (b)(6) of the ADC wrote to DHS on behalf of two unnamed individuals of Syrian descent, unnamed in his correspondence. On June 25, 2013, in response to a question from CRCL, the Mr. (b)(6) provided with the names of the two individuals (siblings) involv	24468		User Change
DhsComplaintPartiesInvolved	2013-07-16 18:15	Create	State	Michigan - MI	24468		User Change
DhsComplaintPartiesInvolved	2013-07-16 18:15	Create	First Name	(b)(6)	24468		User Change
DhsComplaintPartiesInvolved	2013-07-16 18:15	Create	Prefix	Ms	24468		User Change
DhsComplaintPartiesInvolved	2013-07-16 18:15	Create	Comments	Mr. (b)(6) of the ADC wrote to DHS on behalf of two unnamed individuals of Syrian descent, unnamed in his correspondence. On June 25, 2013, in response to a question from CRCL, the Mr. (b)(6) provided with the names of the two individuals (siblings) involv	24468		User Change
DhsComplaintPartiesInvolved	2013-07-16 18:15	Create	Contact Type	On Behalf Of	24468		User Change
DhsComplaintPartiesInvolved	2013-07-16 18:15	Create	Last Name	(b)(6)	24468		User Change
DhsComplaintPartiesInvolved	2013-07-16 18:15	Create	City	Detroit	24468		User Change
DhsComplaintPartiesInvolved	2013-07-16	Update	First Name	(b)(6)	24114		User

	18:16					(b)(6)	Change
DhsComplaintPartiesInvolved	2013-07-16 18:16	Update	Prefix	Mr	24114		User Change
DhsComplaintPartiesInvolved	2013-07-16 18:16	Update	Comments	Mr. (b)(6) of the ADC wrote to DHS on behalf of two unnamed individuals of Syrian descent, unnamed in his correspondence. On June 25, 2013, in response to a question from CRCL, the Mr. (b)(6) provided with the names of the two individuals (siblings) involv	24114		User Change
DhsComplaintPartiesInvolved	2013-07-16 18:16	Update	Last Name	(b)(6)	24114		User Change

From: CRCLCompliance
To: (b)(6)
Subject: Follow-up to CRCL Complaint Number 14-04-ICE-0090
Date: Tuesday, February 25, 2014 3:23:00 PM
Attachments: 01.31.2014 14-04-ICE-0090.pdf

Dear Mr. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



This message, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying "received in error," and delete the message. In addition, this document may be used FOR OFFICIAL USE ONLY (FOUO) and/or contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). Therefore, it is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information, and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. Thank you.



Homeland
Security

February 25, 2014

Via electronic mail

(b)(6)
177 Livingston Street, (b)(6)
Brooklyn, NY 11201
(b)(6)

Re: Complaint No. 14-04-ICE-0090

(b)(6)

Dear Mr. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on January 31, 2014. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS).

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at CRCLCompliance@hq.dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

(b)(6)

Acting Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Authority: 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

Purpose: The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

Routine Uses: This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

Disclosure: Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to www.dhs.gov/privacy.

From: (b)(6)
To: CRCL
Subject: CRCL Complaint on Behalf of Mr. (b)(6)
Date: Friday, January 31, 2014 6:08:07 PM
Attachments: CRCL Complaint (b)(6).pdf

To whom it may concern:

I write respectfully as attorney for Mr. (b)(6) an ICE detainee at Hudson County Jail in Kearny, New Jersey, and submit the attached civil rights complaint form and supporting documents. As set forth in the complaint, Mr. (b)(6) was detained by ICE following a night-time raid on his home on October 22, 2013. I respectfully request an investigation, not only into the raid, but also into the arresting ICE officers' accusation (made in an official record – the I-213) – that my client is a member of the “violent MS-13 street gang,” a claim my client vehemently denies. Please contact me directly should you require additional information.

(b)(6)
Trial Attorney, Immigration Unit
Brooklyn Defender Services
177 Livingston Street, (b)(6)
Brooklyn, NY 11201
(718) 254-0700, ext. (b)(6)
(b)(6)

Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① Information about the person who experienced the civil rights/civil liberties violation
(fill in what you can)

Name: (b)(6) (b)(6)
First and Middle Last

Phone #: Cell: N/A Home: N/A Work: N/A

Please note that we may contact you at the provided numbers.

Mailing Address: PO Box or Street address City State Zip

Date of Birth: (b)(6) Email (optional):

Alien Registration #. (if you have one and it's available): 206 (b)(6)

☐ Check here if you are in detention now.

Which facility? HUDSON COUNTY JAIL, 30-35 HACKENSACK AVE. KEARNY, NJ 07032
Facility name Facility address

☒ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information (b)(6) BROOKLYN DEFENDER SVCS, 177 LIVINGSTON ST. (b)(6) BROOKLYN, NY 11201 (718) 254-0700 EXT (b)(6)

② Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.

Name: (b)(6)
First Last Job title

Organization (if any): BROOKLYN DEFENDER SERVICES

Phone #: Cell: 347 (b)(6) Home: Work: 718-254-0700 X (b)(6)

Mailing Address: 177 LIVINGSTON ST. (b)(6) BROOKLYN, NY 11201
PO Box or Street address City State Zip

③ What happened? Describe your complaint. Give as much detail about your experience as possible.

SEE ATTACHED DECLARATION OF (b)(6) (EXH. A, (b)(6) DECLARATION). UPON INFORMATION AND BELIEF, MY CLIENT WAS ARRESTED DURING THE COURSE OF A WARRANTLESS NIGHT-TIME HOME RAID BY MULTIPLE ARMED ICE OFFICERS, AND FOURTH AMENDMENT AND REGULATORY VIOLATIONS WERE COMMITTED DURING THE COURSE OF THE HOME RAID.

MOREOVER, UPON PROCESSING BY ICE, A FORM I-213 WAS ISSUED BY SPECIAL AGENT (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) ACCUSING MR. (b)(6) OF BEING "A MEMBER OF THE VIOLENT MS-13 STREET GANG." THIS ACCUSATION IS BASED ON NO DISCERNABLE EVIDENCE, AND MR. (b)(6) VEHEMENTLY DENIES BEING A MEMBER OF MS-13. (EXH. B, FORM I-213; SEE ALSO (b)(6) DECL.). MR. (b)(6) RESPECTFULLY REQUESTS AN INVESTIGATION INTO MR. (b)(6),(b)(7)(C) CONDUCT AND THE BASIS OF THE PREJUDICIAL ACCUSATION OF GANG-INVOLVEMENT. AS NOTED IN THE DECLARATION, MR. (b)(6) ALSO RECALLS BEING PROMISED "PAPERS AND A WORK PERMIT" BY OFFICERS IF HE COULD IDENTIFY UNKNOWN MEN WHO APPEARED TO BE GANG-INVOLVED WHO WERE IN PHOTOGRAPHS THAT WERE SHOWN TO MR. (b)(6) MR. (b)(6) COULD NOT IDENTIFY THESE MEN, AS HE IS NOT, AND HAS NEVER BEEN, A GANG-MEMBER. UPON INFORMATION AND BELIEF, ANOTHER OFFICER WHO PARTICIPATED IN THE RAID INCLUDED SPECIAL AGENT (b)(6),(b)(7)(C) (EXH. C ADMINISTRATIVE WARRANT SIGNED BY HER).

Continue on an additional page, if needed.

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

THE HOME RAID OCCURRED THE NIGHT OF OCTOBER 22, 2013. MR. (b)(6) WAS PROCESSED AND BOOKED FOR REMOVAL PROCEEDINGS LATER THAT EVENING.

Where did this happen?

Place (for example, name the detention facility, airport, other): RESIDENCE AT (b)(6)
City: WESTBURY State or Country: NY 11590

④ Who treated you unfairly?

An employee, contractor, or officer of (check as many as apply):

- | | |
|---|--|
| ☐ Citizenship and Immigration Services (USCIS) | ☐ Not sure which DHS office |
| ☐ Customs and Border Protection (CBP)* | ☒ Non-DHS employee working under the authority of DHS (e.g., 287g officer) |
| ☐ Customs Officer | specify: NASSAU COUNTY POLICE DEPT |
| ☐ Border Patrol Agent | |
| ☐ Federal Emergency Management Agency (FEMA) | |
| ☒ Immigration and Customs Enforcement (ICE) | |
| ☐ Secret Service (USSS) | |
| ☐ Transportation Security Administration (TSA)* | |
| ☐ U.S. Coast Guard (USCG) | |
| ☐ Other DHS program (specify) : | |

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): _____

Mailing Address: _____
PO Box or Street address City State or Country Zip

Phone No.: _____ Email: _____

Names (or other information, e.g., agency): _____

Mailing Address: _____
PO Box or Street address City State or Country Zip

Phone No.: _____ Email: _____

Continue on an additional page, if needed.

⑥ Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?

☒ **Yes:** Agency/Office/Court VARICK STREET IMMIGRATION COURT

Date: 1/17/14

☐ **No**

If so, has anyone responded to your complaint?

☐ **Yes** ☒ **No**

If Yes, describe what has been done to respond to your complaint:

A MOTION TO SUPPRESS AND/OR TERMINATE PROCEEDINGS WAS FILED WITH THE VARICK STREET IMMIGRATION COURT ON JANUARY 17, 2014. IT REMAINS PENDING. THE PURPOSE OF THE INSTANT COMPLAINT, HOWEVER, IS TO SEEK AN INVESTIGATION INTO OFFICERS' CONDUCT IN ACCUSING MR. (b)(6) OF GANG-INVOLVEMENT, AND APPROPRIATE REDRESS. THIS ACCUSATION AFFECTS MR. (b)(6) LIBERTY INTEREST AND IS PREJUDICIAL IN THAT HE IS NOW IN A POSITION OF HAVING TO REFUTE THE CLAIM IN ORDER TO SEEK RELEASE ON BOND, WHICH THE AGENCY DECLINED TO SET WHEN HE WAS INITIALLY PROCESSED.

Continue on an additional page, if needed.

⑦ Is there any other information you want us to know about or consider?

Continue on an additional page, if needed.

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.

PLEASE COMMUNICATE WITH ME THROUGH MY ATTORNEY (b)(6)

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: crcl@dhs.gov

Phone: Local: 202-401-1474 or

Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470

Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security

CRCL/Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ To submit this form by email, please save, attach, and send to crcl@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to crcl@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the **types** of complaints, and **do not include personal information**. To read our past reports, go to www.dhs.gov/crcl.

To learn more about the Privacy Act go to the Federal Information Center, www.pueblo.gsa.gov.

You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.

Exhibit A

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
VARICK STREET IMMIGRATION COURT
NEW YORK, NY**

In the Matter of

(b)(6)

RESPONDENT'S DECLARATION

In Removal Proceedings

**DECLARATION OF RESPONDENT (b)(6) UNDER PENALTY OF
PERJURY PURSUANT TO 28 U.S.C. § 1746 IN SUPPORT OF RESPONDENT'S
MOTION TO SUPPRESS AND EXCLUDE EVIDENCE AND FOR TERMINATION**

I, (b)(6) do declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge and belief:

1. My name is (b)(6) I was born on (b)(6) I am twenty-two years old.
2. I am currently detained by Immigration and Customs Enforcement at Hudson County Jail in Kearny, New Jersey. I have been in immigration detention since immigration officers arrested me at my home on October 22, 2013.
3. At the time of my arrest by immigration, I was living at (b)(6) in the town of Westbury, New York, 11590. I was living there with my girlfriend, (b)(6) her two U.S. Citizen children, (b)(6) who is 6, and (b)(6) who is 8, (b)(6) sisters (b)(6) and (b)(6) and two other gentlemen, named (b)(6) At the time of my arrest by ICE, we had only been living at that address for about three months.
4. It was between 8 and 9pm when immigration officers raided my house. I remember the time because (b)(6) and I were watching TV waiting for a soap opera that starts at 9PM. Because it was late, I was shirtless and in my pajamas.
5. Everything started when (b)(6) and I saw through the front windows that there were people circling our house and looking through the windows. There were about six people circling the house and looking in through the windows. At first, we thought they were criminals.
6. Then, they started knocking on the front door. They knocked very hard, about five times. They didn't say who they were, they only knocked. I said to (b)(6) that maybe it was the

police. Everyone in the house started getting scared. We didn't know who the people were and what they were here for.

7. I went upstairs to alert (b)(6) sisters about what was going on. Upstairs, I put a t-shirt on, and as I was walking back down, (b)(6) was at the front door and five officers had already made their way into the house. There were other officers outside and one guarding the door. The officers were armed and had batons.
8. As soon as I came down, about 4 officers surrounded and cornered me so that I couldn't leave. One of them asked me for my name. I said (b)(6). Then the officer asked me if I had used any other name. I said I've always used my own name.
9. As they were surrounding me, one of them asked (b)(6) if there was a (b)(6) living in the house because they were looking for him. (b)(6) told them that there was no (b)(6) living with us, and told them the names of the people who were living there.
10. One of the officers then asked me if I had an ID. I bent down a little bit to try to pick up a pair of work pants that were nearby, but as I was coming up, one of the officers grabbed the pants, and another grabbed my wallet that was in one of the pockets. The man who took my wallet went through it backwards and forwards and took my identity documents.
11. Then, a female officer looked at it, and started questioning me. She asked me my age, and then asked me if I knew I can't be in this country. Since I was still in my pajamas and was barefoot, she told me to change because they were going to take me away. But as I moved forward a little bit, one of the officers got in front of me and put his hands on my chest. Then, one of the officers told the women to go get clothes for me, and (b)(6) sent (b)(6) to go get clothing for me.
12. When (b)(6) came back down with clothing, she got sad when she saw the officers cuffing me. She asked, "Daddy, where are you going?" She is not my biological daughter, but I had been taking care of her ever since I was with (b)(6) so she called me daddy. She is 8 years old. As I was getting dressed, (b)(6) sent the kids back upstairs. (b)(6) were nervous and scared.
13. Right away they put me in a van. I was there for several more minutes, maybe 10, as some of the ICE officers talked to the other residents of the house. As I was sitting in the van, I asked the officer who was next to me if I could use the bathroom. He told me no, that we

would get to our destination soon. But when the van started driving it felt like a long while before we got to our destination.

14. Once the officers started driving, it was about 40 minutes or more before we got to an office.

They took me to a room, where they cuffed one of my hands to a chair and started asking me questions about myself and about two men in photographs that they were showing me. The pictures were of two men who had tattoos and looked like gang members. The officers who were questioning me accused me of knowing who they were, but I kept on telling them no.

15. Then the officers told me that if I was afraid of identifying these tattooed men, they could do things to protect me, like give me papers and a work permit. But again, I told them there is nothing I can do because I can't make accusations against someone I don't know. After a while they stopped questioning me, and put me in a room and did paperwork for my case.

16. While I was in the immigration office, I saw two officers who about a month before the home raid, had also arrested me on the street. It was about the first week of September, and I remember that I was 7 in the morning and I was waiting for work at a corner where a lot of construction workers gathered.

17. All of a sudden, a man grabbed me with force and put me into a van. The driver drove a few blocks to a police building, and he stopped the car outside of the building. Then, they took me out of the van and put me up against the van, and stripped searched me out in the street, in plain view of others who were passing by. They took off my shirt, my shoes, looked through my wallet. They even asked me to pull down my pants. At first I said no because I was embarrassed since there were people across the street watching me. But then they ordered me to so I did. I think they looked all over for tattoos. Then, one of them said that he could accuse me of anything, even something I hadn't done.

18. Since they didn't find anything, they left me there. By then, I had missed the work opportunities for the day, so I went back home.

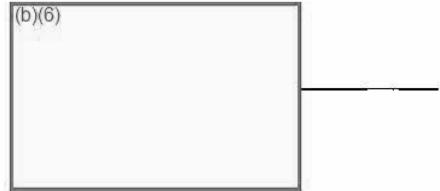
19. It wasn't until I met my immigration attorney on November 12, 2013, that I learned that immigration was accusing me of being a gang member for MS-13.

20. I have never been a member of MS-13 or any other gang. I don't have any tattoos or markings on my body. Immigration knows that, and like I said they even stripped search me once. I have always been a worker, and am not involved with gangs. I don't know why they are accusing me of being in a gang.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on January 16, 2014
in Kearny, New Jersey.

(b)(6)



(b)(6)

CERTIFICATE OF TRANSLATION

I, (b)(6) hereby declare under penalty of perjury that I am fluent in English and Spanish and that I have translated the above document to the affiant and that the affiant affirmed that it is true and correct.

(b)(6)

Date: 1-16, 2014

Brooklyn Defender Services
177 Livingston St., (b)(6)
Brooklyn, NY 11201
(718) 254-0700 ext. (b)(6)

Exhibit B

Family Name (CAPS) (b)(6)		First	Middle	Sex M	Hair BLK	Eyes BRO	Complexion
Country of Citizenship HONDURAS		Passport Number and Country of Issue NA (b)(6)		Height 64	Weight 100	Occupation Day Laborer	
Date of Birth (b)(6) Age: 21				Scars and Marks None visible			
Date, Place, Time, and Manner of Last Entry Unknown Date, UNK				F.B.I. Number (b)(6)			
Number, Street, City, Province (State) and Country of Permanent Residence Westbury, NEW YORK, 11590				☒ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated			
Date of Birth (b)(6) Age: 21				Method of Location/Apprehension CAP 36B			
City, Province (State) and Country of Birth HONDURAS				At/Near See I-831			
NIV Issuing Post and NIV Number NA				Date/Hour 10/22/2013			
Social Security Account Name NA				By (b)(6), (b)(7)(C)			
Date Visa Issued NA				Status at Entry PWA Other			
Social Security Number NA				Status When Found CONSTRUCTION			
Immigration Record NEGATIVE				Length of Time Illegally in U.S. Over 1 year			
Criminal Record							
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children			
Father's Name, Nationality, and Address, if Known (b)(6) NATIONALITY: HONDURAS				Mother's Name, Nationality, and Address, if Known (b)(6) NATIONALITY: HONDURAS			
Monies Due Property in U.S. Not in Immediate Possession None Claimed				Fingerprinted? ☒ Yes ☐ No			
Name and Address of (Last)(Current) U.S. Employer				Systems Checks See Narrative			
Type of Employment				Charge Code Word(s) See Narrative			
Salary				Employed from/to Hr			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)							
FIN: (b)(6)							
Left Index fingerprint (b)(6)		Right Index fingerprint (b)(6)					
NONE Unknown Place, Unknown Date/Records Checked							
NCIC Pos TECS Neg IAFIS Pos EARM Neg CIS Neg							
Health Information ... (CONTINUED ON I-831)							
Alien has been advised of communication privileges							
Distribution							
Received: (Subpoena and Document) (Report of Interview) (b)(6), (b)(7)(C)							
Officer (b)(6), (b)(7)(C)							
on (time)							
Disposition: Notice to Appear Detained (I-862)							
Examining Officer: (b)(6), (b)(7)(C)							

Alien's Name (b)(6)	File Number (b)(6)	Date 10/22/2013
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The subject claims good health.

FUNDS IN POSSESSION

United States Dollar 0.00

At/Near

Westbury, New York

CHARGE CODES

I6A

Record of Deportable/Excludable Alien:
PREDICATION: Subject was encountered pursuant to information received from the Nassau County Police Department regarding subject being an MS-13 gang member and present in the United States without authorization. Alienage and Deportability established at the time of encounter. Subject was transported to ASAC, Long Island for processing.

AT ENTRY: (b)(6) citizen an national of Honduras, DOB (b)(6) last entered the United States at an unknown place at an unknown time approximately in 2008.

OTHER FACTORS: Subject is a member of the violent MS-13 street gang. On 09/01/2013, subject was arrested by the Nassau County Police Department for criminal possession of a weapon and criminal possession of a controlled substance. Record check indicate that subject does not have any petitions or applications pending with Citizenship and Immigration Services. Subject claims to be in good health. Subject was offered a meal however, turned it down. Subject has no monies in his possession. Subject contacted, via telephone 516-(b)(6)

Other Identifying Numbers

ALIEN (b)(6)

(b)(6), (b)(7)(C)

Signature		Title SPECIAL AGENT
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2 of 2 Pages

Exhibit C

From: DHSOIGHotlineMailbox
To: (b)(6) CRCL_DHSOIGHotline
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 14-04-ICE-0090
Date: Wednesday, February 26, 2014 10:44:00 AM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)
Sent: Monday, February 24, 2014 4:00 PM
To: CRCL_DHSOIGHotline
Cc: (b)(6)
(b)(6)
Subject: CRCL Complaint Number 14-04-ICE-0090

DHS OIG,

Summary of new complaint for your review:

On January 31, 2014, CRCL received email correspondence from (b)(6) a Trial Attorney in the Immigration Unit of Brooklyn Defender Services, on behalf of (b)(6) an ICE detainee at Hudson County Jail in Kearny, New Jersey, regarding ICE HSI (b)(6) correspondence states that that (b)(6) was arrested by ICE during the course of an alleged warrantless night-time raid on his home in Westbury, New York (Nassau County) on October 22, 2013, and that Fourth Amendment and regulatory violations were committed during the course of the raid. Further, the complaint alleges that Mr. (b)(6) I-213 indicates he is a member of the MS-13 street gang, a claim that Mr. (b)(6) denies.

In his correspondence, Mr. (b)(6) included a Motion to Suppress and/or Terminate Proceedings filed with the Varick Street Immigration Court in New York, New York. In the court filing, Mr. (b)(6) alleges that the following took place during the raid, including: (1) ICE agents told him they were looking for (b)(6) and Mr. (b)(6) girlfriend said that no one by that name was living with them (2) Agents went through his wallet, took his identifying documents, and he was asked if he knew he "couldn't be in this country" (3)

He was taken to an ICE office, handcuffed, and asked questions about two tattooed men in photographs shown by agents (4) Agents hold him that if he was afraid of identifying the men, they could protect him with things like "papers and a work permit." Mr. (b)(6) said he did not know them; and (5) While in the office, Mr. (b)(6) recognized two ICE agents who had arrested him on the street a month prior, in the first week of September around 7:00 am, while he was waiting at a corner where construction workers gather to wait for work opportunities. One of the agents allegedly grabbed him with force and put him into a van. He was driven a few blocks to a "police building," taken out of the van, and strip searched in plain view of passersby. Mr. (b)(6) thinks the agents may have been inspecting his body for tattoos. One of them allegedly said that he could accuse Mr. (b)(6) of anything, even something he hadn't done. Mr. (b)(6) said that he thought the agents didn't find what they were looking for, and they left him on the street.

Lastly, Mr. (b)(6) states that it wasn't until he met with his immigration attorney on November 12, 2013, that he learned he was being accused of being a MS-13 gang member.

(b)(6)

**Office for Civil Rights and Civil Liberties
Department of Homeland Security**

202-357-(b)(6)

(b)(6)

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email



Homeland
Security

July 22, 2014

(b)(6)

Brooklyn Defender Services
177 Livingston Street, (b)(6)
Brooklyn, NY 11201

Re: Complaint No. 14-04-ICE-0090

(b)(6)

Dear

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you on January 31, 2014, concerning the treatment of (b)(6) by employees of U.S. Immigration and Customs Enforcement (ICE). Specifically, your complaint alleges that ICE violated Mr. (b)(6) civil rights during a night-time enforcement operation at his home on October 22, 2013.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against Department of Homeland Security (DHS) employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion.

CRCL takes allegations of violations of civil rights and civil liberties very seriously. We have determined that your allegations should be investigated by ICE, a component of DHS, which will report its findings to CRCL. ICE will conduct an investigation of one or more of the concerns that you have raised:

- Whether ICE agents committed any civil rights or civil liberties violations and followed appropriate policy pursuant to their arrest of Mr. (b)(6)
- Whether ICE's questioning of Mr. (b)(6) about whether he was a member of MS-13 was in accordance with ICE policy and procedures?

We will review ICE's findings and assess compliance with civil rights requirements in these areas. The purpose of this process is to determine if your allegations raise issues that can and should be addressed by DHS management.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf or that of Mr. (b)(6). Instead, we use complaints like yours to find and address problems in DHS policy and its implementation.

Protected by Attorney-Client and Deliberative Process Privileges

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that Mr. (b)(6) is a victim of such a reprisal, please contact us immediately.

ICE or CRCL will contact you if additional information is needed or to report on the Department's review of this matter. If you have any questions concerning this referral, you may contact CRCL by phone at 866-644-8360, 866-644-8361 (TTY), or by email at crcl@dhs.hq.gov. When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

We thank you for your complaint; inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how the Department concluded this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dana Salvano-Dunn', with a stylized, cursive script.

Dana Salvano-Dunn
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Protected by Attorney-Client and Deliberative Process Privileges



Homeland
Security

July 22, 2014

MEMORANDUM FOR: Deputy Division Director, Investigative Support Unit
Office of Professional Responsibility
U.S. Immigration and Customs Enforcement

Peter S. Vincent
Principal Legal Advisor
U.S. Immigration and Customs Enforcement

FROM: Dana Salvano-Dunn 
Director, Compliance Branch
Office for Civil Rights and Civil Liberties


Attorney Advisor
Office of General Counsel

SUBJECT: Complaint No. 14-04-ICE-0090



The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) has violated an individual's civil rights or civil liberties during an enforcement operation on October 22, 2013. The purpose of this memorandum is to notify you of the complaint and to inform you that we are referring this complaint to the Office of Professional Responsibility for investigation. We request that the appropriate office within your component complete an inquiry into the enclosed complaint within 180 days of the date of this referral. Please see the attached Referred Complaint Assistance Form for guidance regarding this inquiry.

CRCL authorities. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in DHS Management Directive 3500. We have received information concerning the above listed complaint that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

Protected by Attorney-Client and Deliberative Process Privileges

Access to information. More particularly, 42 U.S.C. § 2000ee-1(d) grants this Office access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require[e] cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

Reprisals forbidden. In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

Privilege and required transparency. Our communications with HSI personnel and documents generated during this review will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 42 U.S.C. § 2000ee-1(f)(2), however, we submit quarterly reports to Congress—which are also posted on CRCL’s website—that provide, inter alia, “the type of advice provided and the response given to such advice;” and “a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.”

When the inquiry is complete, please contact our Office with your component’s findings and recommendations. This Office will review the matter in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed this complaint, and will provide you with any recommendations resulting from this complaint.

If you have any questions concerning this referral, please do not hesitate to contact my colleague, (b)(6) by phone at 202-357-(b)(6) or by email at (b)(6)@dhs.gov.

Protected by Attorney-Client and Deliberative Process Privileges

Copies to:

(b)(6),(b)(7)(C)

Regional Operations Manager
Office of Professional Responsibility
U.S. Immigration and Customs Enforcement
(b)(6),(b)(7)(C)@ice.dhs.gov

(b)(6),(b)(7)(C)

Acting Resident Agent in Charge
Office of Professional Responsibility
U.S. Immigration and Customs Enforcement
(b)(6),(b)(7)(C)@ice.dhs.gov

Enclosures

Protected by Attorney-Client and Deliberative Process Privileges



REFERRED COMPLAINT ASSISTANCE	
Assigned To:	U.S. Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR)
Requested From:	DHS Headquarters Office for Civil Rights and Civil Liberties (CRCL)
POC:	(b)(6), (b)(7)(C)
Date Referred to ICE:	July 22, 2014
Deadline to CRCL:	Within 180 days of the date above
CRCL Complaint No:	14-04-ICE-0090, (b)(6)
SYNOPSIS	
On January 31, 2014, CRCL received an e-mail complaint from (b)(6) a trial attorney in the Immigration Unit of Brooklyn Defender Services, on behalf of (b)(6), an ICE detainee at Hudson County Jail in Kearny, New Jersey, regarding ICE HSI. (b)(6) correspondence states that Mr. (b)(6) I-213 identifies Mr. (b)(6) as a member of the MS-13 street gang, a claim that Mr. (b)(6) denies. Mr. (b)(6) was arrested by HSI during the course of an alleged warrantless night-time enforcement operation at his home in Westbury, New York (Nassau County) on October 22, 2013, and he alleges Fourth Amendment and regulatory violations during the course of the enforcement operation. Mr. (b)(6) states that during the enforcement operation, HSI officers asked him where (b)(6) was. Shortly after, Mr. (b)(6) claims his identification documents were viewed by HSI officers and that they told him he was in the country illegally. He explains that he was then arrested and taken to an ICE office where he was questioned. While at the office, Mr. (b)(6) claims he saw two ICE officers he had come in contact with previously when they detained him during the first week of September 2013 and then released him. Mr. (b)(6) believes that his allegedly faulty identification by HSI as a member of MS-13 was a result of his detainment in September, and that led to HSI violating his civil rights by arresting him for being a MS-13 member during the enforcement operation.	
ISSUES/ALLEGATIONS	
Issues/Allegations to be addressed in ICE's Fact Finding Report/ROI submitted to DHS CRCL:	• (b)(5), (b)(6) • • • •

*Protected by Attorney-Client and Deliberative Process Privileges
Law Enforcement Sensitive*



	• (b)(5), (b)(6)	
Information/Documents to be reviewed as part of investigation and attached to ICE Fact Finding Report/ROI submitted to DHS CRCL:	• • • • • •	

*Protected by Attorney-Client and Deliberative Process Privileges
Law Enforcement Sensitive*

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-14-0151 14-04-ICE-0090 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2014-02-07 16:33	Update	Executive Summary	On January 31, 2014, CRCL received email correspondence from a public defender on behalf of an ICE detainee ("complainant") at Hudson County Jail in Kearny, New Jersey. The correspondence states that that the complainant was arrested by ICE during the cou	9467	(b)(6)	User Change
DhsComplaint	2014-02-07 16:29	Update	Days to Process	7	9467		User Change
DhsComplaint	2014-02-07 16:29	Update	Summary	On January 31, 2014, CRCL received email correspondence from (b)(6) a Trial Attorney in the Immigration Unit of Brooklyn Defender Services, on behalf of (b)(6) (b)(6) an ICE detainee at Hudson County Jail in Kearny, New Jersey, regardi	9467		User Change
DhsComplaint	2014-02-06 18:29	Update	Executive Summary	On January 31, 2014, CRCL received email correspondence from (b)(6) a Trial Attorney in the Immigration Unit of Brooklyn Defender Services, on behalf of (b)(6) an ICE detainee at Hudson County Jail in Kearny, New Jersey. Mr. (b)(6) corresponde	9467		User Change
DhsComplaint	2014-02-06	Update	Summary	On January 31, 2014, CRCL received email correspondence from (b)(6) a Trial Attorney in the Immigration Unit of Brooklyn Defender	9467		User Change

	18:29			Services, on behalf of (b)(6) an ICE detainee at Hudson County Jail in Kearny, New Jersey. Mr. (b)(6)		(b)(6)	
DhsComplaint	2014-02-06 15:04	Create	Component Referenced	ICE	9467		User Change
DhsComplaint	2014-02-06 15:04	Create	Summary	On January 31, 2014, CRCL received email correspondence from (b)(6) a Trial Attorney in the Immigration Unit of Brooklyn Defender Services, on behalf of (b)(6) an ICE detainee at Hudson County Jail in Kearny, New Jersey. Mr. (b)(6)	9467		User Change
DhsComplaint	2014-02-06 15:04	Create	Executive Summary	On January 31, 2014, CRCL received email correspondence from (b)(6) a Trial Attorney in the Immigration Unit of Brooklyn Defender Services, on behalf of (b)(6) an ICE detainee at Hudson County Jail in Kearny, New Jersey. Mr. (b)(6) corresponde	9467		User Change
DhsComplaint	2014-02-06 15:04	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	9467		User Change
DhsComplaint	2014-02-06 15:04	Create	Days to Process	6	9467		User Change
DhsComplaint	2014-02-06 15:04	Create	Date to CRCL	01/31/2014	9467		User Change
DhsComplaint	2014-02-06 15:04	Create	Date to DHS	01/31/2014	9467		User Change
DhsComplaint	2014-02-06 15:04	Create	Date on Correspondence	01/31/2014	9467		User Change
DhsComplaint	2014-02-06 15:04	Create	Sender Type	Individual	9467		User Change
DhsComplaint	2014-02-06 15:04	Create	Method of Receipt	Email	9467		User Change
DhsComplaint	2014-02-06	Create	Entry Date	02/06/2014	9467		User

	15:04					(b)(6)	Change
DhsComplaintAction	2014-07-22 15:27	Create	Document	14-04-ICE-0090 Referral Memo.pdf	115191		User Change
DhsComplaintAction	2014-07-22 15:27	Create	Action Date	07/22/2014	115191		User Change
DhsComplaintAction	2014-07-22 15:27	Create	Action	Referred	115191		User Change
DhsComplaintAction	2014-02-28 15:04	Create	Comments	refer	112593		User Change
DhsComplaintAction	2014-02-28 15:04	Create	Action Date	02/28/2014	112593		User Change
DhsComplaintAction	2014-02-28 15:04	Create	Primary Assignment	(b)(6)	112593		User Change
DhsComplaintAction	2014-02-28 15:04	Create	Action	Back from Officer	112593		User Change
DhsComplaintAction	2014-02-28 15:03	Create	Action Date	02/28/2014	112592		User Change
DhsComplaintAction	2014-02-28 15:03	Create	Action	Recommendation Review	112592		User Change
DhsComplaintAction	2014-02-26 16:55	Create	Comments	Given to (b)(6)	112574		User Change
DhsComplaintAction	2014-02-26 16:55	Create	Action Date	02/26/2014	112574		User Change
DhsComplaintAction	2014-02-26 16:55	Create	Action	Notes	112574		User Change
DhsComplaintAction	2014-02-26 11:56	Create	Comments	02/20/2014 Per (b)(6) open referred complaint. Check (b)(5),(b)(6),(b)(7)(A)	112563		User Change
DhsComplaintAction	2014-02-26 11:56	Create	Action Date	02/26/2014	112563		User Change
DhsComplaintAction	2014-02-26 11:56	Create	Action	Awaiting Recommendation	112563		User Change
DhsComplaintAction	2014-02-26 11:56	Create	Action Date	02/26/2014	112562		User Change
	2014-			14-04-ICE-0090			

DhsComplaintAction	02-26 11:56	Create	Document	(b)(7)(A) 02.26.2014).pdf	112562	(b)(6)	User Change
DhsComplaintAction	2014- 02-26 11:56	Create	Action	(b)(7)(A)	112562		User Change
DhsComplaintAction	2014- 02-24 15:57	Create	Action Date	02/24/2014	112541		User Change
DhsComplaintAction	2014- 02-24 15:57	Create	Action	(b)(7)(A)	112541		User Change
DhsComplaintAction	2014- 02-24 15:56	Create	Comments	02/20/2014 Per (b)(6) (b)(6) open referred complaint. Check (b)(5),(b)(6),(b)(7)(A) (b)(6)	112540		User Change
DhsComplaintAction	2014- 02-24 15:56	Create	Action Date	02/24/2014	112540		User Change
DhsComplaintAction	2014- 02-24 15:56	Create	Action	Open a Complaint	112540		User Change
DhsComplaintDocument	2014- 07-22 15:27	Create	Foreign Language	No	95903		User Change
DhsComplaintDocument	2014- 07-22 15:27	Create	Dateentered	07/22/2014	95903		User Change
DhsComplaintDocument	2014- 07-22 15:27	Create	Document 2	14-04-ICE-0090 Referred Form.pdf	95903		User Change
DhsComplaintDocument	2014- 07-22 15:27	Create	Document 1	14-04-ICE-0090 Referral Letter.pdf	95903		User Change
DhsComplaintDocument	2014- 07-22 15:27	Create	Document Type	Referral Letter	95903		User Change
DhsComplaintDocument	2014- 02-25 15:45	Create	Foreign Language	No	93537		User Change
DhsComplaintDocument	2014- 02-25 15:45	Create	Dateentered	02/25/2014	93537		User Change
DhsComplaintDocument	2014- 02-25 15:45	Create	Document 1	01.31.2014 14-04- ICE-0090.pdf	93537		User Change
DhsComplaintDocument	2014- 02-25 15:45	Create	Document Type	Acknowledgement Letter	93537		User Change
DhsComplaintDocument	2014- 02-06 15:06	Create	Foreign Language	No	93291		User Change

DhsComplaintDocument	2014-02-06 15:06	Create	Document 3	(b)(6) Encounter Record.pdf	93291	(b)(6)	User Change
DhsComplaintDocument	2014-02-06 15:06	Create	Document 1	(b)(6) Detention History.pdf	93291	(b)(6)	User Change
DhsComplaintDocument	2014-02-06 15:06	Create	Document 2	(b)(6) Comments Record.pdf	93291	(b)(6)	User Change
DhsComplaintDocument	2014-02-06 15:06	Create	Dateentered	02/06/2014	93291	(b)(6)	User Change
DhsComplaintDocument	2014-02-06 15:06	Create	Document Type	Miscellaneous Material/Other	93291	(b)(6)	User Change
DhsComplaintDocument	2014-02-06 15:06	Delete			93290	(b)(6)	User Change
DhsComplaintDocument	2014-02-06 15:05	Create	Foreign Language	No	93290	(b)(6)	User Change
DhsComplaintDocument	2014-02-06 15:05	Create	Document 1	01.31.2014 (b)(6) Atty (b)(6) pdf	93290	(b)(6)	User Change
DhsComplaintDocument	2014-02-06 15:05	Create	Dateentered	02/06/2014	93290	(b)(6)	User Change
DhsComplaintDocument	2014-02-06 15:05	Create	Document Type	Incoming Letter	93290	(b)(6)	User Change
DhsComplaintDocument	2014-02-06 15:05	Create	Foreign Language	No	93289	(b)(6)	User Change
DhsComplaintDocument	2014-02-06 15:05	Create	Document 1	01.31.2014 (b)(6) Atty (b)(6) pdf	93289	(b)(6)	User Change
DhsComplaintDocument	2014-02-06 15:05	Create	Dateentered	02/06/2014	93289	(b)(6)	User Change
DhsComplaintDocument	2014-02-06 15:05	Create	Document Type	Incoming Letter	93289	(b)(6)	User Change
DhsComplaintIssue	2014-02-06 18:21	Create	Situation	DHS law enforcement activity	14954	(b)(6)	User Change
DhsComplaintIssue	2014-02-06 18:21	Create	Redirect to Subject	No	14954	(b)(6)	User Change
DhsComplaintIssue	2014-02-06 18:21	Create	Incident Location	(b)(6)	14954	(b)(6)	User Change
DhsComplaintIssue	2014-02-06 18:21	Create	Ongoing	No	14954	(b)(6)	User Change
DhsComplaintIssue	2014-02-06 18:21	Create	City	Westbury	14954	(b)(6)	User Change

DhsComplaintIssue	2014-02-06 18:21	Create	Incident Date	10/22/2013	14954	(b)(6)	User Change
DhsComplaintIssue	2014-02-06 18:21	Create	Primary Issue	Yes	14954		User Change
DhsComplaintIssue	2014-02-06 18:21	Create	State	New York - NY	14954		User Change
DhsComplaintIssue	2014-02-06 18:21	Create	Incident Location Type	Residence	14954		User Change
DhsComplaintIssue	2014-02-06 18:21	Create	(b)(5)	(b)(5)	14954		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:20	Create	First Name	(b)(6)	25045		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:20	Create	City	Brooklyn	25045		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:20	Create	State	New York - NY	25045		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:20	Create	Contact Type	Sender	25045		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:20	Create	Address Line 2	177 Livingston Street, (b)(6)	25045		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:20	Create	Address Line 1	Brooklyn Defender Services	25045		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:20	Create	Last Name	(b)(6)	25045		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:20	Create	Email	(b)(6)	25045		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:20	Create	Zip Code	11201	25045		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:20	Create	Phone	(718) 254-0700, ext. (b)(6)	25045		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:19	Create	First Name	(b)(6)	25044		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:19	Create	City	Kearney	25044		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:19	Create	State	New Jersey - NJ	25044		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:19	Create	Contact Type	On Behalf Of	25044		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:19	Create	Address Line 2	30-35 Hackensack Ave.	25044		User Change

DhsComplaintPartiesInvolved	2014-02-06 18:19	Create	Address Line 1	Hudson County Jail	25044	(b)(6)	User Change
DhsComplaintPartiesInvolved	2014-02-06 18:19	Create	Last Name	(b)(6)	25044		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:19	Create	Zip Code	07032	25044		User Change
DhsComplaintPartiesInvolved	2014-02-06 18:19	Create	Alien Registration	(b)(6)	25044		User Change



**Homeland
Security**

21 de abril 2014

(b)(6)

Harrisburg, VA 22801

Ref.: Reclamo N.º 14-06-ICE-0142

Estimada Sra. (b)(6)

La Oficina de Derechos Civiles y Libertades Civiles (CRCL) del Departamento de Seguridad Nacional ha recibido su reclamo el 19 de marzo 2014. La oficina CRCL revisa y evalúa la información concerniente a los abusos de los derechos y libertades civiles, y la discriminación por perfil racial, étnico o religioso por parte de empleados o agentes del Departamento de Seguridad Nacional.

Damos suma importancia a los asuntos que usted menciona y deseamos informarle cómo nuestra oficina gestionará su reclamo. Inicialmente, enviaremos su reclamo a la Oficina DHS del Inspector General para su evaluación. Si el Inspector General se niega a aceptar el reclamo, el mismo será enviado a la oficina CRCL para proporcionar una respuesta adecuada. Una vez que la oficina CRCL inicia un reclamo formal, nosotros o la oficina del DHS correspondiente conducirá una investigación sobre los asuntos que usted menciona. La oficina CRCL se comunicará con usted para informarle el curso anticipado de la investigación de su reclamo, y le notificará los resultados eventualmente.

Por favor, tenga en cuenta que nuestro proceso de reclamos no proporciona a los individuos derechos o recursos legales o procesales. En consecuencia, la oficina CRCL no puede obtener recursos legales o reparación por daños y perjuicios en su nombre. En su lugar, utilizamos los reclamos como el suyo para identificar y abordar problemas en las políticas del DHS y su implementación. Si considera que han violado sus derechos, le sugerimos consultar con un abogado. Podría haber limitaciones de tiempo que rigen con qué rapidez debe actuar para proteger sus intereses.

Si aún no lo ha hecho, por favor proporcione a la oficina del CRCL su información completa de contacto, incluido el número de teléfono, correo electrónico y dirección postal, si está disponible. Puede comunicarse con la oficina CRCL por correo electrónico a la dirección CRCLCompliance@hq.dhs.gov, por fax al 202-401-4708, o por correo postal a la siguiente dirección:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

Para obtener información adicional sobre las funciones y responsabilidades de la oficina CRCL, visite nuestro sitio web en la dirección <http://www.dhs.gov/crcl>.

Si está presentando un reclamo en representación de otra persona, por favor proporcione a la oficina CRCL un consentimiento expreso por escrito de la persona si desea recibir información sobre la resolución de este reclamo. Cuando se comunique con la oficina CRCL sobre este asunto, por favor incluya el número de reclamo que aparece al comienzo de esta carta.

Para su información, la ley federal prohíbe las represalias que los empleados federales pudieran tomar contra cualquiera que presente una denuncia o revele información a CRCL. 42 U.S.C. § 2000ee-1(e). Si cree que Ud. o alguien que usted conozca es víctima de represalias, tenga a bien comunicarse con nosotros de manera inmediata.

Nuevamente, le damos las gracias por comunicarse con la Oficina de Derechos Civiles y Libertades Civiles. Las comunicaciones como la suya son esenciales para que podamos cumplir con nuestra función de respaldar la misión del Departamento de proteger a la nación preservando, al mismo tiempo, las libertades individuales, la justicia y la igualdad ante la ley. Esperamos poder colaborar junto a usted para abordar sus inquietudes. Si tiene preguntas, comuníquese con la oficina CRCL por escrito o por teléfono al 866-644-8360 o al 866-644-8361 (línea TTY para personas con problemas de audición o del habla).

Atentamente,



Director, Departamento de Cumplimiento
Oficina de Derechos Civiles y Libertades Civiles
Departamento de Seguridad Nacional de EE.UU.

Copiar:

(b)(6)

New Bridges Immigrant Resource Center

(b)(6)

Harrisonburg, VA 22801

Declaración de la Ley de Privacidad

Autoridad: El Código de Estados Unidos, Título 6, Artículo 345, y Título 42, Artículo 2000ee-1, autoriza la recopilación de esta información.

Propósito: El Departamento de Seguridad Nacional (Department of Homeland Security; DHS) utilizará esta información para evaluar e investigar reclamos e información del público sobre posibles violaciones de derechos o libertades civiles relacionadas a empleados, programas o actividades del DHS.

Usos de rutina: Esta información puede ser divulgada y utilizada por personal y contratistas dentro del DHS que necesiten obtener acceso a ella con el fin de evaluar su reclamo. Asimismo, la Oficina de Derechos Civiles y Libertades Civiles del DHS (CRCL) podría compartir su información, según fuera necesario, con ciertas agencias gubernamentales pertinentes fuera del ámbito del DHS, o con entidades no gubernamentales, con el fin de abordar su reclamo, o de conformidad con lo publicado en el Sistema de Registros de los Archivos del Departamento de Seguridad Nacional/ALL-029 Oficina de Derechos Civiles y Libertades Civiles.

Divulgación: Proporcionar esta información a la Oficina CRCL es de carácter voluntario; sin embargo, no proporcionar la información solicitada podría demorar o impedir a CRCL evaluar e investigar su reclamo de manera adecuada. Si fuera necesario, CRCL también podría solicitarle información adicional con el fin de determinar la manera adecuada de dar curso a sus inquietudes.

Para obtener más información sobre la Ley de Privacidad, consulte el sitio web www.dhs.gov/privacy.

From: [CRCL](#)
To: [CRCLCompliance](#)
Subject: FW: complaint
Date: Thursday, March 20, 2014 10:05:22 AM
Attachments: [crcl-complaint-submission-form-english.pdf](#)

For review. (b)(6)

From: (b)(6)@newbridgesirc.org]
Sent: Wednesday, March 19, 2014 2:39 PM
To: CRCL
Subject: complaint

see attached.



Department of Homeland Security (DHS)
Office for Civil Rights and Civil Liberties

Civil Rights Complaint

Fillable Version (last modified 3/15/2011)

The purpose of this form is to assist you in filing a civil rights/civil liberties complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding DHS programs and activities. This form is not intended to be used for complaints about employment with DHS. You are not required to use this form to file a complaint; a letter with the same information is sufficient. However, if you file a complaint by letter, you should include the same information that is requested in the form.

CRCL Mission:

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin (including language proficiency), religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see www.dhs.gov/eeo.)
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency?
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women Act's confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

Notes on Confidentiality and Anonymity:

- A)** You may remain anonymous by not filling in your name, below. However, CRCL may not be able to investigate your complaint unless you provide enough information to conduct an investigation.
- B)** Disclosure of the information you provide, including your identity, is on a "need-to-know" basis, and is discussed in the Privacy Statement at the end of this document. **IF YOU CHECK THE BOX BELOW, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct).** Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.
- ☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.
- C)** Reprisal against complainants to CRCL is unlawful; if you feel you have been a victim of reprisal, CALL US. 1-866-644-8360.

Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① Information about the person who experienced the civil rights/civil liberties violation

(fill in what you can)

Name:
First and Middle Last

Phone #: Cell: _____ Home: _____ Work: _____

Please note that we may contact you at the provided numbers.

Mailing Address: Harrisonburg VA, 22801
PO Box or Street address City State Zip

Date of Birth: Email (optional): _____

Alien Registration #. (if you have one and it's available): _____

☐ Check here if you are in detention now.

Which facility? _____
Facility name Facility address

☐ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information _____

② Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.

Name:
First Last Job title

Organization (if any): New Bridges Immigrant Resource Center

Phone #: Cell: _____ Home: _____ Work: 540

Mailing Address: Harrisonburg VA, 22801
PO Box or Street address City State Zip

③ What happened? Describe your complaint. Give as much detail about your experience as possible.

On Monday the 10th at 9:30 a.m. I was interviewed by an ICE officer as to the whereabouts of a fugitive of justice, who happens to be the brother of our family friends I fully cooperated and disclosed that I had no knowledge of the whereabouts of her brother, The next morning a new officer, of Hispanic origin, arrived at my home at 6 am, knocked on the door and as I began to open, pushed open the door and rushed in with about 8 other officers without asking my permission. This officer began to treat me in a very disrespectful manner, using inappropriate language, insulting me and my family, threatening, in front of my children, to deport me and jail my husband, who is a US Citizen, and send our kids to social services. He continued to harass me and my husband alternately until approximately 8:30 a.m., hanging handcuffs in our faces. I explained to him that I was in process of legalizing my migration status and offered to show paperwork that we had submitted to USCIS. He said "those papers were worthless, he could tear them up and kick my ass out of the country whenever he felt like it." He proceeded to take me outside, saying "he had had enough and was taking me to jail" and continued to treat me disrespectfully in front of all our neighbors. I continually told him that I had nothing to hide and was telling the complete truth. I asked for the officer's name and he refused it saying "you don't need to know my name, now you work for me, you give me the information I'm asking for and I won't throw you into jail."

This traumatized my children and they cried for days not wanting to go to school for fear I wouldn't be there upon their return. Their teacher called me asking about what was happening to our girls as their attitudes were noticeably changed in school. They entered my house without permission or a warrant and used psychological violence, which is just as powerful as physical violence, to try and extort information for a case that I had absolutely nothing to do with. I feel that this psychological violence violated my civil rights and is inappropriate for an officer representing the United States of America, which is a great country, and deserves higher standards of respect and human dignity than what this officer has represented.

All of these actions were taken without having any reason to believe that I was hiding a fugitive of justice. My only "crime" was

Continue on an additional page, if needed.

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

march 11, 2014

Where did this happen?

Place *(for example, name the detention facility, airport, other)*: my home

City: Harrisonburg

State or Country: VA

④ Who treated you unfairly?

An employee, contractor, or officer of *(check as many as apply)*:

☐ Citizenship and Immigration Services (USCIS)

☐ Customs and Border Protection (CBP)*

☐ Customs Officer

☐ Border Patrol Agent

☐ Federal Emergency Management Agency (FEMA)

☒ Immigration and Customs Enforcement (ICE)

☐ Secret Service (USSS)

☐ Transportation Security Administration (TSA)*

☐ U.S. Coast Guard (USCG)

☐ Other DHS program *(specify)* :

☐ Not sure which DHS office

☐ Non-DHS employee working under the authority of DHS (e.g., 287g officer)

specify: _____

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): My husband and children

Mailing Address: (b)(6) Harrisonburg, VA, 22801

PO Box or Street address

City

State or Country

Zip

Phone No.: _____ Email: _____

Names (or other information, e.g., agency): other officers who accompanied interrogating officer

Mailing Address: _____

PO Box or Street address

City

State or Country

Zip

Phone No.: _____ Email: _____

Continue on an additional page, if needed.

- ⑥ **Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?**

☒ **Yes:** Agency/Office/Court office of inspector general

Date: 3/19/2014

☐ **No**

If so, has anyone responded to your complaint?

☐ **Yes** ☒ **No**

If Yes, describe what has been done to respond to your complaint:

Continue on an additional page, if needed.

- ⑦ **Is there any other information you want us to know about or consider?**

Continue on an additional page, if needed.

- ⑧ **If you are not proficient in English, please indicate the language in which you prefer we communicate with you.**

spanish

- ⑨ **If you have problems understanding this form or any other question, contact CRCL:**

E-mail: crcl@dhs.gov

Phone: Local: 202-401-1474 or

Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470

Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security

CRCL/Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ **To submit this form by email, please save, attach, and send to crcl@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.**

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to crcl@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the **types** of complaints, and **do not include personal information**. To read our past reports, go to www.dhs.gov/crcl.

To learn more about the Privacy Act go to the Federal Information Center, www.pueblo.gsa.gov.

You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.

Continue on this page, if needed.

Continue on this page, if needed.

From: [DHSOIGHotlineMailbox](#)
To: [JOINT INTAKE](#)
Cc: [CRCLCompliance](#)
Subject: DHS OIG C1406755
Date: Thursday, March 20, 2014 7:43:53 PM
Attachments: [C1406755 SummaryReport.pdf](#)

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)
To: (b)(6)
Cc: CRCLCompliance
Subject: RE: complaint
Date: Friday, March 21, 2014 5:57:57 PM

(b)(6)

On the email correspondence sent to CRCL by the New Bridges Immigrant Resource Center on 03/20/2014 on behalf of (b)(6) the text for item 3 of the complaint form does not display

Non Responsive

Below is the text in its entirety. Please also save this instant email as a CRCL internal email with the filename **03.21.2014 (b)(6) CRCL internal email**. If you have questions, please let me know.

Text from Item 3 of complaint form:

On Monday the 10th at 9:30 a.m. I was interviewed by an ICE officer as to the whereabouts of a fugitive of justice, who happens to be the brother of our family friends (b)(6) y (b)(6) I fully cooperated and disclosed that I had no knowledge of the whereabouts of her brother, (b)(6) The next morning a new officer, of Hispanic origin, arrived at my home at 6 am, knocked on the door and as I began to open, pushed open the door and rushed in with about 8 other officers without asking my permission. This officer began to treat me in a very disrespectful manner, using inappropriate language, insulting me and my family, threatening, in front of my children, to deport me and jail my husband, who is a US Citizen, and send our kids to social services. He continued to harass me and my husband alternately until approximately 8:30 a.m., hanging handcuffs in our faces. I explained to him that I was in process of legalizing my migration status and offered to show paperwork that we had submitted to USCIS. He said "those papers were worthless, he could tear them up and kick my ass out of the country whenever he felt like it." He proceeded to take me outside, saying "he had had enough and was taking me to jail" and continued to treat me disrespectfully in front of all our neighbors. I continually told him that I had nothing to hide and was telling the complete truth. I asked for the officer's name and he refused it saying "you don't need to know my name, now you work for me, you give me the information I'm asking for and I won't throw you into jail."

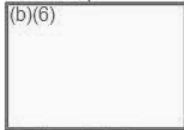
This traumatized my children and they cried for days not wanting to go to school for fear I wouldn't be there upon their return. Their teacher called me asking about what was happening

to our girls as their attitudes were noticeably changed in school. They entered my house without permission or a warrant and used psychological violence, which is just as powerful as physical violence, to try and extort information for a case that I had absolutely nothing to do with. I feel that this psychological violence violated my civil rights and is inappropriate for an officer representing the United States of America, which is a great country, and deserves higher standards of respect and human dignity than what this officer has represented.

All of these actions were taken without having any reason to believe that I was hiding a fugitive of justice. My only "crime" was being a friend of a family who happened to have a relative who did something illegal in a foreign land. Does ICE treat all friends of family members of fugitives of justice in this way? Are ICE officers allowed to enter and search my home without a warrant or my permission? Is being close friends of a family probable cause and give the ICE the right to use psychological violence and traumatize small children as a tool for extortion? Is asking me for my legal papers, which has nothing to do with the case and appears to clearly violate the constitutional order of law, and then using my status to extort and threaten me in the search for information about a third party, a legal practice? I believe these officers asked about my legal status because they had a premeditated intent to use this information to obtain under duress what they wanted. Are ICE officers allowed to do all of this in anonymity, refusing to identify themselves when asked, while showing no badges or form identification to establish their authority or identity? This clearly suggests a climate of impunity, illegality and unconstitutionality within the ICE agency and among its officers. I would encourage a review of agency tactics, which appear more suited for psychological torture and interrogation rather than gathering information from innocent and upstanding members of society. I hope that in the future ICE can figure out a way to carry out its mission without trampling upon the human rights and dignity of innocent bystanders in the process.

Thanks,

(b)(6)



Policy Advisor

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

202-357-

(b)(6)@hq.dhs.gov

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.

From: CRCLCompliance

Sent: Thursday, March 20, 2014 11:17 AM

To: (b)(6)

Cc: CRCLCompliance

Subject: FW: complaint

Hi 

Please process this correspondence as a new Contact.

Please save the incoming correspondence with the filename **03.19.2014** (b)(6)

As the Sender, please input a record for (b)(6) and list the email address below. Write in the Sender Party Involved Comments field and a Notes entry on the routing sheet that the complaint form identifies a (b)(6) (b)(6) of New Bridges Immigrant Resource Center, as the representative of Ms. (b)(6) and that the email was sent by (b)(6) of that organization. (It's unclear if (b)(6) are the same individual.)

Thank you.

(b)(6)

Policy Advisor

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

202-357-(b)(6)

(b)(6)@hq.dhs.gov

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From: CRCL

Sent: Thursday, March 20, 2014 10:05 AM

To: CRCLCompliance

Subject: FW: complaint

For review. (b)(6)

From: (b)(6)@newbridgesirc.org]

Sent: Wednesday, March 19, 2014 2:39 PM

To: CRCL

Subject: complaint

see attached.

From: CRCL_DHSOIGHotline
To: (b)(6) CRCL_DHSOIGHotline
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 14-06-ICE-0142 - Box 1 Email
Date: Tuesday, April 22, 2014 7:32:12 AM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)
Sent: Friday, April 18, 2014 3:35 PM
To: CRCL_DHSOIGHotline
Cc: (b)(6)
(b)(6)
Subject: CRCL Complaint Number 14-06-ICE-0142

(b)(7)(A)

Summary of new complaint for your review:

On March 19, 2014, CRCL received email correspondence from (b)(6) of New Bridges Immigrant Resource Center (NBIRC), providing a complaint form that NBIRC completed on behalf of (b)(6). In a first-person account, Ms. (b)(6) alleges that on March 11, 2014, ICE officers entered her home in Harrisonburg, Virginia, without permission or a warrant, and that one ICE officer treated her and her family in a harassing, threatening manner. The previous day, March 10, 2014, Ms. (b)(6) was interviewed by an ICE officer as to the whereabouts of a fugitive who is the brother of a family friend of hers. Ms. (b)(6) states that she fully cooperated and said that had no knowledge of the whereabouts of that fugitive. At about 6 a.m. on March 11, 2014, another ICE officer knocked on the door of her home and, as Ms. (b)(6) began to open the door, pushed open the door and entered the home with about eight other ICE officers, without Ms. (b)(6) permission. Ms. (b)(6) alleges that the officer who had knocked on the door threatened to deport her and jail her husband, a U.S. Citizen, and to send their children to social services. Ms. (b)(6) alleges the officer harassed her and

her husband until approximately 8:30 a.m. that she was asked for paperwork regarding her immigration status and that she told the ICE officer she was in the process of legalizing her immigration status and offered to show the paperwork she had submitted to USCIS. The officer reportedly responded, "Those papers are worthless..." Ms. (b)(6) states she asked the officer for his name, and he refused to provide it. Ms. (b)(6) indicates that ICE's raid of her home by ICE officers was connected to their search for the aforementioned fugitive. She claims that the ICE officers did not identify themselves or show identification when they entered her home and treated them in an inappropriate, intimidating manner.

(b)(6)

Office for Civil Rights and Civil Liberties
Department of Homeland Security

202-357-(b)(6)

(b)(6)

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.

TO: (b)(6)
FROM: (b)(6)
DATE: June 18, 2014
RE: 14-06-ICE-0142 (b)(6) Interview Summary

On Wednesday, June 18, 2014 from 1PM to 3:15PM, (b)(6) conducted an interview with (b)(6) the complainant of CRCL Complaint 14-06-ICE-0142. (b)(6) served as the interpreter. Below is a summary of the events as Ms. (b)(6) told them in the interview.

Why Ms. (b)(6) filed this complaint

Ms. (b)(6) states that the events that transpired violated her person and feelings.

Summary of Events

Monday, March 10, 2014

(b)(6) reports that she received a phone call (1703 (b)(6)) from a man at around 9AM. The conversation was conducted in Spanish and the man had a Puerto Rican accent. On the phone, the man said that he was calling from the police station and wanted to talk to Ms. (b)(6) about (b)(6). Ms. (b)(6) reports that he did not mention that he was from Immigration and Customs Enforcement (ICE). (b)(6) is the 11-year-old daughter of (b)(6) and (b)(6) friends of Ms. (b)(6). (b)(6) was detained at approximately 6AM that morning and (b)(6) gave the officers Ms. (b)(6) name as someone she could go stay with since she was friends with her parents and used to babysit (b)(6). Ms. (b)(6) told the officer that she was at work but was on her way home and that he could meet her at her home. The phone call lasted around 10 minutes.

When Ms. (b)(6) returned to her home at (b)(6) Harrisonburg, Virginia 22801, there was one black car and four male officers. The officers wear all black and Ms. (b)(6) does not remember them showing her any identification. The car had no distinguishing marks and no siren. The officers exited the car and a Spanish-speaking officer told Ms. (b)(6) that he was the one who called her and they wanted to interview her. The officers asked if they could come inside and Ms. (b)(6) allowed them in. They remained standing during her interview.

Ms. (b)(6) said that the Spanish-speaking officer asked about her immigration status and paperwork as well as her relationship with (b)(6). When the officer found out that Ms. (b)(6) was not a family member, he told her that they could not leave the girl with her. The officer also showed Ms. (b)(6) a photograph of (b)(6) and asked if she knew where he was. (b)(6) is (b)(6) brother who they alleged was wanted for murder. Ms. (b)(6) reports that she said she did not know where he was or that he was wanted for murder and had no relationship or friendship with Mr. (b)(6). Ms. (b)(6) is not sure why they questioned her about Mr. (b)(6). While she was questioned, the three non-Spanish speaking officers went upstairs and allegedly searched the home. No one was home. Ms. (b)(6) reports not feeling uncomfortable with this search because "[they] have nothing to hide." When the officers left, Ms. (b)(6) reports that they asked her who she lived with and told her that they would return to interview her husband. The visit lasted for approximately 15 minutes.

Currently, (b)(6) with her parents. (b)(6) was released later that day with a tracking device.

Tuesday, March 11, 2014

On the morning of March 11, 2014, Ms. (b)(6) reports that she was sitting near her front door waiting for her ride to drive her to work. Ms. (b)(6) husband and her daughters (age 7 and age 10) were upstairs sleeping. The wooden door was open but the glass door was closed. Ms. (b)(6) reports that at approximately 6AM, approximately 10 law enforcement officers approached the front door. They arrived in three cars: one car was parked in the parking lot, one parked across the street, and one parked behind the apartment. One car was black; one car was white; and one car was a dark blue van/station wagon. There were no distinguishing marks on the cars. The officers all wore black jackets that said ICE and she did not see any nametags.

When Ms. (b)(6) saw the officers approaching the home, she was not worried because she thought they were coming to interview her husband. Ms. (b)(6) reports that an "Argentinian officer" pushed the door open and told her, in Spanish, to go sit in her living room. The officers filed into the apartment one after another. Ms. (b)(6) reports that the Argentinian officer was white with light eyes, tall and hefty, and his teeth were stained from tobacco. Ms. (b)(6) states that the Argentinian officer works in the area because she has seen him in the area to arrest someone else. She claims that none of the officers identified themselves and she does not know any of their names. She states that only the Argentinian officer questioned her and her husband and that the other officers did not speak Spanish.

Ms. (b)(6) states that the officers surrounded her in the living room and one of the officers went in the kitchen (though she reports he just stood there). The Argentinian officer began questioning Ms. (b)(6) about (b)(6) to which she replied that she had did not know him or where he was. Ms. (b)(6) believes that they visited her home because they believed he may have been hiding there. Ms. (b)(6) reports that the Argentinian officer repeatedly told her that he was going to arrest her and she kept saying, "Why?" Ms. (b)(6) alleges that the Argentinian officer asked Ms. (b)(6) about her immigration status and when she told him her paperwork was being processed, he told her that he could "tear up [her] paperwork [and] send [her] back to [her] country." After about five minutes, Ms. (b)(6) husband woke up and went downstairs. Ms. (b)(6) states that she was questioned in her home for approximately 10-20 minutes minutes before the officer told her to come outside because he was going to arrest her.

Ms. (b)(6) reports that she walked outside with the Argentinian officer and approximately three to four other officers. The rest of the officers stayed inside with her husband. The Argentinian officer walked inside and outside the house to question Ms. (b)(6) and her husband. Ms. (b)(6) alleges that the officer spat on her face when he spoke to her. She claims that he kept asking questions about (b)(6) and said "horrible things" about her personal life, including questioning who was the real father of her children and threatening to take her daughters to social services. Ms. (b)(6) claims that her daughters are "traumatized" because while they stayed in their room upstairs and no one came up to see them, they could here what the officer was saying to her through the window. Ms. (b)(6) states that he brandished handcuffs in front of her face and threatened to arrest her. Later, neighbors and her work-ride called to ask what had happened because they had seen the officers outside of her home. While outside, Ms. (b)(6) states that the Argentinian officer grabbed her phone and started looking through the phone numbers and messages. Ms. (b)(6) said that the officer told her to call one of

the phone numbers that did not have name associated with it and questioned her about the other phone numbers.

Ms. (b)(6) alleges that this questioning and "harassment" continued until 8:30AM. Ms. (b)(6) states that when they left, the Argentinian officer said they were going to come back and call her everyday unless they found the person they were looking for, (b)(6). He threatened to take (b)(6) her husband, and Ms. (b)(6) to jail.

Wednesday, March 12, 2014

Ms. (b)(6) alleges that on March 12, 2014, she began receiving a number of phone calls from the Argentinian officer beginning at 10AM (1540 (b)(6)). She claims that her neighbors told her that they saw him drive by her home before 10AM but she was not home. Ms. (b)(6) states that she received many phone calls but does not know how many and did not answer many of them because she was scared. Ms. (b)(6) states that during these phone calls, the Argentinian officer would harass her and ask about (b)(6). Ms. (b)(6) states that these phone calls stopped in March once she told him that she had an attorney and that he should speak to her attorney.

Thursday, March 13, 2014

Ms. (b)(6) states that she believes (b)(6) was arrested in Texas on March 13th. She learned this information from (b)(6) his sister.

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-14-0251 14-06-ICE-0142 (b)(6)							
Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2014-03-25 13:42	Create	Entry Date	03/25/2014	9568	(b)(6)	User Change
DhsComplaint	2014-03-25 13:42	Create	Method of Receipt	Email	9568		User Change
DhsComplaint	2014-03-25 13:42	Create	Date on Correspondence	03/19/2014	9568		User Change
DhsComplaint	2014-03-25 13:42	Create	Date to DHS	03/19/2014	9568		User Change
DhsComplaint	2014-03-25 13:42	Create	Date to CRCL	03/19/2014	9568		User Change
DhsComplaint	2014-03-25 13:42	Create	Days to Process	6	9568		User Change
DhsComplaint	2014-03-25 13:42	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	9568		User Change
DhsComplaint	2014-03-25 13:42	Create	Summary	On March 19, 2014 CRCL received email correspondence from (b)(6) of New Bridges Immigrant Resource Center on behalf of (b)(6) (b)(6) alleges that on March 11, 2014 an Immigration and Customs Enforcement (ICE) officer knocke	9568		User Change
DhsComplaint	2014-03-25 13:42	Create	Component Referenced	ICE	9568		User Change
DhsComplaint	2014-03-25 13:42	Create	External Tracking Number	C14-ICE-WFO-06755	9568		User Change
DhsComplaint	2014-03-25 13:56	Update	Summary	On March 19, 2014 CRCL received email correspondence from (b)(6) of New Bridges Immigrant Resource Center, on behalf of (b)(6) Mrs. (b)(6) alleges that on March 11, 2014	9568		User Change

				an Immigration and Customs Enforcement (ICE) officer knocke		(b)(6)	
DhsComplaint	2014-03-25 14:01	Update	Summary	DRAFT SUMMARY: On March 19, 2014 CRCL received email correspondence from (b)(6) of New Bridges Immigrant Resource Center, on behalf of (b)(6) Mrs. (b)(6) alleges that on March 11, 2014 an Immigration and Customs Enforcement (IC	9568		User Change
DhsComplaint	2014-04-15 09:44	Update	Days to Process	27	9568		User Change
DhsComplaint	2014-04-15 09:44	Update	Summary	On March 19, 2014, CRCL received email correspondence from (b)(6) of New Bridges Immigrant Resource Center (NBIRC), providing a complaint form that NBIRC completed on behalf of (b)(6) in a first-person account, Ms. (b)(6) alleges t	9568		User Change
DhsComplaintAction	2014-07-24 13:29	Create	Action	Notes	115247		User Change
DhsComplaintAction	2014-07-24 13:29	Create	Comments	Conducted an interview of the complainant with intern (b)(6) Notes will be uploaded shortly.	115247		User Change
DhsComplaintAction	2014-07-24 13:29	Create	Action Date	06/18/2014	115247		User Change
DhsComplaintAction	2014-04-18 12:39	Create	Action	Notes	113255		User Change
DhsComplaintAction	2014-04-18 12:39	Create	Action Date	04/18/2014	113255		User Change
	2014-			On 03/27/2014, discussed at case opening meeting. On 03/31/2014, hard copy given to (b)(6) for			

DhsComplaintAction	04-18 12:39	Create	Comments	complaint assignment recommendation. On 04/18/2014, (b)(6) assigned it to (b)(6)	113255	(b)(6)	User Change
DhsComplaintAction	2014-04-18 12:40	Create	Action	Notes	113256		User Change
DhsComplaintAction	2014-04-18 12:40	Create	Action Date	04/18/2014	113256		User Change
DhsComplaintAction	2014-04-18 12:40	Create	Comments	(b)(6) tasked to (b)(6) to handle complaint opening process and to send Spanish language acknowledgement letter to (b)(6) with copy to (b)(6)	113256		User Change
DhsComplaintAction	2014-04-18 15:11	Create	Action	Open a Complaint	113284		User Change
DhsComplaintAction	2014-04-18 15:11	Create	Action Date	04/18/2014	113284		User Change
DhsComplaintAction	2014-04-18 15:11	Create	Comments	03/27/2014 Per (b)(6) (b)(6) (b)(5),(b)(7)(C) (b)(5),(b)(7)(A) Interview the complainant. (b)(5),(b)(7)(A)	113284		User Change
DhsComplaintAction	2014-04-22 11:59	Update	Comments	03/27/2014 Per (b)(6) (b)(6) (b)(5),(b)(7)(A) (b)(5),(b)(7)(A) Interview the complainant. (b)(5),(b)(7)(A) (b)(6)	113284		User Change
DhsComplaintAction	2014-04-22 12:00	Create	Action Date	04/22/2014	113356		User Change
DhsComplaintAction	2014-04-22 12:00	Create	Action	Sent to IG	113356		User Change
	2014-						User

DhsComplaintAction	04-22 12:00	Update	Action Date	04/18/2014	113356	(b)(6)	Change
DhsComplaintAction	2014- 04-22 12:01	Create	Action Date	04/22/2014	113357		User Change
DhsComplaintAction	2014- 04-22 12:01	Create	Document	14-06-ICE-0142 (OIG Response 04.22.2014).pdf	113357		User Change
DhsComplaintAction	2014- 04-22 12:01	Create	Action	IG Declines/Back from IG	113357		User Change
DhsComplaintAction	2014- 04-22 12:01	Create	Action Date	04/22/2014	113358		User Change
DhsComplaintAction	2014- 04-22 12:01	Create	Action	Awaiting Recommendation	113358		User Change
DhsComplaintAction	2014- 04-22 12:01	Create	Comments	03/27/2014 Per (b)(6) (b)(6) (b)(5),(b)(7)((b)(5),(b)(7)(A) Interview the complainant. (b)(5),(b)(6),(b)(7)(A)	113358		User Change
DhsComplaintAction	2014- 04-25 12:32	Create	Action Date	04/25/2014	113496		User Change
DhsComplaintAction	2014- 04-25 12:32	Create	Action	Recommendation Review	113496		User Change
DhsComplaintAction	2014- 04-25 12:33	Create	Action Date	04/25/2014	113497		User Change
DhsComplaintAction	2014- 04-25 12:33	Create	Action	Back from Officer	113497		User Change
DhsComplaintAction	2014- 04-25 12:33	Create	Comments	short form	113497		User Change
DhsComplaintAction	2014- 04-25 12:33	Create	Primary Assignment	(b)(6)	113497		User Change
DhsComplaintAction	2014- 04-29 14:41	Create	Comments	Given to (b)(6) (b)(6)	113561		User Change
DhsComplaintAction	2014- 04-29 14:41	Create	Action Date	04/29/2014	113561		User Change
DhsComplaintAction	2014- 04-29 14:41	Create	Action	Notes	113561		User Change
DhsComplaintDocument	2014- 07-24 13:28	Create	Document Type	Miscellaneous Material/Other	95957		User Change

DhsComplaintDocument	2014-07-24 13:28	Create	Document 1	14-06-ICE-0142 Summary of Interview with (b)(6).docx	95957	(b)(6)	User Change
DhsComplaintDocument	2014-07-24 13:28	Create	Dateentered	07/24/2014	95957		User Change
DhsComplaintDocument	2014-07-24 13:28	Create	Foreign Language	No	95957		User Change
DhsComplaintDocument	2014-07-24 13:28	Create	Comments	(b)(5),(b)(7)(A)	95957		User Change
DhsComplaintDocument	2014-03-25 13:43	Create	Document Type	Incoming Letter	93892		User Change
DhsComplaintDocument	2014-03-25 13:43	Create	Document 2	03.20.2014 (b)(6) DHS OIG C1406755.pdf	93892		User Change
DhsComplaintDocument	2014-03-25 13:43	Create	Document 1	03.19.2014 (b)(6) pdf	93892		User Change
DhsComplaintDocument	2014-03-25 13:43	Create	Foreign Language	No	93892		User Change
DhsComplaintDocument	2014-03-25 13:43	Create	Dateentered	03/25/2014	93892		User Change
DhsComplaintDocument	2014-03-25 13:43	Create	Comments	Internal Email Thread	93893		User Change
DhsComplaintDocument	2014-03-25 13:43	Create	Document Type	Miscellaneous Material/Other	93893		User Change
DhsComplaintDocument	2014-03-25 13:43	Create	Document 1	03.21.2014 (b)(6) CRCL internal email.pdf	93893		User Change
DhsComplaintDocument	2014-03-25 13:43	Create	Foreign Language	No	93893		User Change
DhsComplaintDocument	2014-03-25 13:43	Create	Dateentered	03/25/2014	93893		User Change
DhsComplaintDocument	2014-04-21 17:16	Create	Document 1	03.19.2014 14-06-ICE-0142.pdf	94312		User Change
DhsComplaintDocument	2014-04-21 17:16	Create	Document Type	Acknowledgement Letter	94312		User Change

DhsComplaintDocument	2014-04-21 17:16	Create	Dateentered	04/21/2014	94312	(b)(6)	User Change
DhsComplaintDocument	2014-04-21 17:16	Create	Foreign Language	No	94312		User Change
DhsComplaintIssue	2014-03-25 13:55	Create	Ongoing	No	15108		User Change
DhsComplaintIssue	2014-03-25 13:55	Create	Incident Date	03/11/2014	15108		User Change
DhsComplaintIssue	2014-03-25 13:55	Create	Redirect to Subject	No	15108		User Change
DhsComplaintIssue	2014-03-25 13:55	Create	Comments	Search happened at Mrs. (b)(6) house.	15108		User Change
DhsComplaintIssue	2014-03-25 13:55	Create	(b)(5)	(b)(5)	15108		User Change
DhsComplaintIssue	2014-03-25 13:55	Create	Primary Issue	Yes	15108		User Change
DhsComplaintIssue	2014-03-25 13:55	Create	Situation	DHS law enforcement activity	15108		User Change
DhsComplaintIssue	2014-04-14 09:45	Update	State	Virginia - VA	15108		User Change
DhsComplaintIssue	2014-04-14 09:45	Update	Incident Location Type	Residence	15108		User Change
DhsComplaintIssue	2014-04-14 09:45	Update	Comments	Search happened at (b)(6) house, located at (b)(6) Harrisonburg, VA 22801. When this matter was discussed at the 03/27/2014 Compliance case opening meeting, it (b)(5),(b)(7)(A)	15108		User Change
DhsComplaintIssue	2014-04-14 09:45	Update	City	Harrisonburg	15108		User Change
DhsComplaintIssue	2014-04-14 09:45	Update	Incident Location	(b)(6) house	15108		User Change
DhsComplaintPartiesInvolved	2014-04-14 09:37	Update	Contact Type	Sender	25234		User Change
DhsComplaintPartiesInvolved	2014-04-14	Update	Comments	EABM has no record on (b)(6)	25234		User Change

	09:37			(b)(6)		(b)(6)	
DhsComplaintPartiesInvolved	2014-04-14 09:41	Update	Address Line 2	(b)(6)	25233		User Change
DhsComplaintPartiesInvolved	2014-04-14 09:41	Update	Address Line 1	New Bridges Immigrant Resource Center	25233		User Change
DhsComplaintPartiesInvolved	2014-04-14 09:41	Update	Contact Type	Source	25233		User Change
DhsComplaintPartiesInvolved	2014-04-14 09:41	Update	Comments	The complaint identifies a (b)(6) of New Bridges Immigrant Resource Center, as the person who completed the CRCL complaint form on behalf of Ms. (b)(6). The email to CRCL was sent by a (b)(6) of the same organization. It	25233		User Change
DhsComplaintPartiesInvolved	2014-04-14 09:42	Create	Last Name	DHS OIG	25296		User Change
DhsComplaintPartiesInvolved	2014-04-14 09:42	Create	Contact Type	Source	25296		User Change
DhsComplaintPartiesInvolved	2014-03-25 13:46	Create	Address Line 1	(b)(6)	25233		User Change
DhsComplaintPartiesInvolved	2014-03-25 13:46	Create	Phone	540 (b)(6)	25233		User Change
DhsComplaintPartiesInvolved	2014-03-25 13:46	Create	State	Virginia - VA	25233		User Change
DhsComplaintPartiesInvolved	2014-03-25 13:46	Create	Last Name	(b)(6)	25233		User Change
DhsComplaintPartiesInvolved	2014-03-25 13:46	Create	City	Harrisonburg	25233		User Change
DhsComplaintPartiesInvolved	2014-03-25 13:46	Create	Zip Code	22801	25233		User Change
DhsComplaintPartiesInvolved	2014-03-25 13:46	Create	Contact Type	Sender	25233		User Change
DhsComplaintPartiesInvolved	2014-03-25	Create	Comments	The complaint identifies a (b)(6) of New Bridges Immigrant Resource Center, as the representative of Ms. (b)(6). The	25233		User Change

	13:46			email is sent from a (b)(6) same organization. It is unclear if (b)(6)	(b)(6)	
DhsComplaintPartiesInvolved	2014-03-25 13:46	Create	Sender Anonymous	No	25233	User Change
DhsComplaintPartiesInvolved	2014-03-25 13:46	Create	First Name	(b)(6)	25233	User Change
DhsComplaintPartiesInvolved	2014-03-25 13:47	Create	Address Line 1	(b)(6)	25234	User Change
DhsComplaintPartiesInvolved	2014-03-25 13:47	Create	State	Virginia - VA	25234	User Change
DhsComplaintPartiesInvolved	2014-03-25 13:47	Create	Last Name	(b)(6)	25234	User Change
DhsComplaintPartiesInvolved	2014-03-25 13:47	Create	City	Harrisonburg	25234	User Change
DhsComplaintPartiesInvolved	2014-03-25 13:47	Create	Zip Code	22801	25234	User Change
DhsComplaintPartiesInvolved	2014-03-25 13:47	Create	Contact Type	On Behalf Of	25234	User Change
DhsComplaintPartiesInvolved	2014-03-25 13:47	Create	First Name	(b)(6)	25234	User Change
DhsComplaintPartiesInvolved	2014-04-18 12:37	Update	Comments	EABM has no record on (b)(6) (b)(6) Item 8 of the completed CRCL complaint form states that Ms. (b)(6) is not proficient in English and prefers to communicate in Spanish.	25234	User Change



Homeland
Security

September 3, 2014

(b)(6)
1600 Bay St.
P.O. Box M-So Station
Fall River, MA 02724
(b)(6)@ccsdioc.org

Re: Complaint No. 14-07-ICE-0330

Dear Ms. (b)(6)

On April 22, 2014, the Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received your complaint (b)(6). Thank you for contacting us with your concerns. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of DHS.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of Inspector General (OIG) for review. If OIG declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome of the investigation.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email address, and mailing address if available, and your alien number if applicable. You may contact CRCL by email at CRCLCompliance@hq.dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of someone else, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so.

When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting CRCL. Communications like yours are essential to our ability to carry out our role of supporting the DHS's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact us either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

A handwritten signature in black ink, appearing to read 'Dana Salvano-Dunn', with a stylized, cursive script.

Dana Salvano-Dunn
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Authority: 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

Purpose: The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

Routine Uses: This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

Disclosure: Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to www.dhs.gov/privacy.



Catholic Social Services
Diocese of Fall River

April 16, 2014

Department of Homeland Security
CRCL/Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop #0190
Washington, DC 20528

Office for Civil Rights & Civil Liberties

APR 22 REC'D

RE: CIVIL RIGHTS COMPLAINT – SAMNANG KRANH

Central Office:

Fall River
1600 Bay Street
P.O. Box M-So Station
Fall River, MA 02724
Ph: 508-674-4681
Fx: 508-675-2224

Dear Sir or Madam,

I am writing to file a civil rights complaint on behalf of my client

(b)(6)

Enclosed, please find the following documents pertaining to this complaint:

Satellite Offices:

Cape Cod
261 South Street
Hyannis, MA 02601
Ph: 508-771-6771

- (1) DHS Civil Rights / Civil Liberties Complaint Form w/ addendum
- (2) Police Report – April 18, 2012
- (3) Testimony of Agent (b)(6), (b)(7)(C) - December 21, 2012
- (4) Judicial Ruling – 02/04/2013

New Bedford
238 Bonney Street
New Bedford, MA 02744
Ph: 508-997-7337

I appreciate your attention to this matter.

Please don't hesitate to contact my office for further information about Mr. (b)(6) or the April 18, 2012 on his home.

Taunton
78 Broadway
Taunton, MA 02780
Ph: 508-824-3264

Sincerely,

(b)(6)

Rhode Island
Reaching Out
311 Hooper Street
Tiverton, RI 02878
Ph: 401-624-9270

Arlene A. McNamee
Executive Director

ENCLOSURES



Funded by Catholic Charities



Department of Homeland Security (DHS)
Office for Civil Rights and Civil Liberties

Civil Rights Complaint

Fillable Version (last modified 3/15/2011)

The purpose of this form is to assist you in filing a civil rights/civil liberties complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding DHS programs and activities. This form is not intended to be used for complaints about employment with DHS. You are not required to use this form to file a complaint; a letter with the same information is sufficient. However, if you file a complaint by letter, you should include the same information that is requested in the form.

CRCL Mission:

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin (including language proficiency), religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see www.dhs.gov/eeo.)
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency?
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women Act's confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

Notes on Confidentiality and Anonymity:

- A) You may remain anonymous by not filling in your name, below. However, CRCL may not be able to investigate your complaint unless you provide enough information to conduct an investigation.
- B) Disclosure of the information you provide, including your identity, is on a "need-to-know" basis, and is discussed in the Privacy Statement at the end of this document. IF YOU CHECK THE BOX BELOW, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct). Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.
☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.
- C) Reprisal against complainants to CRCL is unlawful; if you feel you have been a victim of reprisal, CALL US. 1-866-644-8360.

Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① **Information about the person who experienced the civil rights/civil liberties violation**

(fill in what you can)

Name: (b)(6) (b)(6)
First and Middle Last

Phone #: Cell: contact attorney Home: Work:

Please note that we may contact you at the provided numbers.

Mailing Address: (b)(6) Florence, MA 01062
PO Box or Street address City State Zip

Date of Birth: (b)(6) Email (optional): (b)(6)

Alien Registration #. (if you have one and it's available): (b)(6)

☐ Check here if you are in detention now.

Which facility? Facility name Facility address

☒ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information (b)(6) CSS 1600 Bay St, Fall River, MA 02724 508 (b)(6)

② **Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.**

Name: First Last Job title

Organization (if any):

Phone #: Cell: Home: Work:

Mailing Address: PO Box or Street address City State Zip

③ **What happened? Describe your complaint. Give as much detail about your experience as possible.**

SEE ADDENDUM

Continue on an additional page, if needed.

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

April 18, 2012

Where did this happen?

Place (for example, name the detention facility, airport, other):

(b)(6)

City: Fall River

State or Country: MA

④ Who treated you unfairly?

An employee, contractor, or officer of (check as many as apply):

☐ Citizenship and Immigration Services (USCIS)

☐ Customs and Border Protection (CBP)*

☐ Customs Officer

☐ Border Patrol Agent

☐ Federal Emergency Management Agency (FEMA)

☒ Immigration and Customs Enforcement (ICE)

☐ Secret Service (USSS)

☐ Transportation Security Administration (TSA)*

☐ U.S. Coast Guard (USCG)

☐ Other DHS program (specify):

☐ Not sure which DHS office

☐ Non-DHS employee working under the authority of DHS (e.g., 287g officer)

specify: _____

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency):

(b)(6)

Mailing Address: (b)(6) Florence, MA 01062

PO Box or Street address

City

State or Country

Zip

Phone No.: 413

(b)(6)

Email: _____

Names (or other information, e.g., agency):

(b)(6)

Mailing Address: (b)(6) Florence, MA 01062

PO Box or Street address

City

State or Country

Zip

Phone No.: _____

Email: _____

Continue on an additional page, if needed.

⑥ **Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?**

☒ **Yes:** Agency/Office/Court DHS General Counsel / ICE Principal Legal Advisor

Date: 04/15/2014

☐ **No**

If so, has anyone responded to your complaint?

☐ **Yes** ☒ **No**

If Yes, describe what has been done to respond to your complaint:

Continue on an additional page, if needed.

⑦ **Is there any other information you want us to know about or consider?**

The DHS office of General Counsel and ICE office of Principal Legal Advisor were contacted in order to initiate a claim pursuant to the Federal Tort Claims Act.

Continue on an additional page, if needed.

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.

N/A

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: crcl@dhs.gov

Phone: Local: 202-401-1474 or

Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470

Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security

CRCL/Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ To submit this form by email, please save, attach, and send to crcl@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to crcl@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the **types** of complaints, and **do not include personal information**. To read our past reports, go to www.dhs.gov/crcl.

To learn more about the Privacy Act go to the Federal Information Center, www.pueblo.gsa.gov.

You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.

(b)(6)

ADDENDUM TO DHS CIVIL RIGHTS COMPLAINT

CLAIMANT'S REPRESENTATIVE:

(b)(6)

Catholic Social Services
1600 Bay Street
Fall River, MA 02724

617- (b)(6)

(b)(6)@cssdioc.org

DATE AND DAY OF INCIDENT: Wednesday April, 18 2012

TIME: Approx. 6:30 AM

On April 18, 2012, ICE agents (b)(6),(b)(7)(C) accompanied by five Fall River Police Officers, conducted a raid on Mr. (b)(6) home at (b)(6) Fall River, MA.

Officers entered without consent, warrant or other legal justification. Officers then searched the entire apartment without consent, warrant or other legal justification. Claimant was handcuffed and arrested in view of his three young children and his wife,¹ without legal justification.

Officer (b)(6),(b)(7)(C) who penned the Fall River Police Department report, stated that Agent (b)(6),(b)(7)(C) was "armed with an administrative warrant." In fact, there was no judicial or administrative warrant for the raid, nor any exigent circumstances justifying a warrantless search or seizure. It appears that Officer (b)(6),(b)(7)(C) relied on agent (b)(6),(b)(7)(C) false or misleading statements in concluding that a warrant had been issued. (see attached)

Claimant was intimidated and humiliated by the officers who entered his home in the early morning of April 18, 2012. The early-morning invasion of the family's home, and the subsequent search and arrest, destroyed the family's sense of privacy and security.

On December 12, 2014 Officer (b)(6),(b)(7)(C) gave false testimony in claimant's criminal trial. Agent (b)(6),(b)(7)(C) testimony showed a chilling ignorance of, and disregard for the United States Constitution as well as the statutes and regulations that bind his agency. (see attached)

When ICE agents raided claimants home, his three United States Citizen children were awoken by the sounds of eight armed men pushing their way into the house. At least one of the children witnessed their father being handcuffed, interrogated and removed from the apartment. This was the last they would see their father for almost two years.

¹ Claimant and (b)(6) are not legally married but have three children together and were married in a traditional Khmer ceremony.

Claimant has since been released, but he and children continue to struggle emotionally and financially due to the tortious conduct of federal officers.

Respectfully submitted by

(b)(6)

On behalf of

(b)(6)

(b)(6)

Fall River Police Department

NARRATIVE FOR DETECTIVE

(b)(6), (b)(7)(C)

Ref: 12-1729-AR

At approximately 6:30 AM on Wednesday, April 18, 2012, Detectives (b)(6), (b)(7)(C) and I, Detective (b)(6), (b)(7)(C) were assigned to the Vice and Intelligence Unit of the Fall River Police Department. We were working in a plain clothes capacity and occupying unmarked vehicles.

At the above-mentioned date and time, we responded to the area of the first floor, south side apartment at (b)(6) in Fall River. Our unit commander, Detective Sergeant (b)(6), (b)(7)(C) along with United States Customs and Enforcement Agents (b)(6), (b)(7)(C) was also present. Agent (b)(6), (b)(7)(C) was armed with an administrative warrant for the arrest of (b)(6).

We approached the first floor south apartment and Agent (b)(6), (b)(7)(C) knocked on the door and announced his presence. After a few minutes, the door was opened by (b)(6). We stepped into the apartment. We were all either wearing our badges of office or outer garments which identified us as law enforcement personnel. As agent (b)(6), (b)(7)(C) explained the situation to (b)(6), the rest of us conducted a protective sweep of the apartment. (b)(6) was secured in handcuffs. (b)(6) girlfriend, (b)(6) and her brother, (b)(6) were also present in the apartment. Samnang told Agent (b)(6), (b)(7)(C) that the apartment belonged to his girlfriend. Two children were also present in the apartment.

During the protective sweep, Detective (b)(6), (b)(7)(C) located a clear plastic sandwich bag which contained an amount of whitish rock-like substance which we all believed to be crack cocaine. This item was located in the bathroom on top of the toilet along with a clear plastic bag which contained under an ounce of marijuana and a digital scale. Detective (b)(6), (b)(7)(C) brought these items to the attention of Samnang and he admitted that these items belonged to him and that they were for personal use. This bag of suspected crack cocaine was later determined to weigh approximately 2.0 grams (weight including the plastic). The bag of marijuana was later determined to weigh approximately 12.0 grams (weight including plastic).

Once these items were seized, I informed everyone of their Fifth Amendment Rights pursuant to Miranda. I asked everyone if there was any more contraband in the apartment. They all indicated that there was not. I asked (b)(6) if she would consent to a search of the apartment. She had a brief conversation with (b)(6) in a language that I could not understand and told me that we could search the apartment. A search of the apartment commenced.

In a kitchen cabinet, Detective (b)(6), (b)(7)(C) located another clear plastic sandwich bag which contained suspected crack cocaine. This bag of suspected crack cocaine was later determined to weigh approximately 14.0 grams (weight including the plastic). He also located a box of clear plastic sandwich bags and three plastic sandwich bags with cut corners.

Detective (b)(6), (b)(7)(C) searched a bedroom and found a stack of assorted United States currency. He handed this currency to me. I counted this money in the presence of (b)(6). Detective (b)(6), (b)(7)(C) and Detective Sergeant (b)(6), (b)(7)(C) This bundle of currency amounted to \$1560.00. I asked Colab about this currency and she told me that it was money she had saved from getting paid "under the table" at her job at a Chinese Restaurant in Fall River. She was hesitant to tell me very much

Ref: 12-1729-AR

about her place of employment.

In order to obtain identification, (b)(6) led Agent (b)(6), (b)(7)(C) to his wallet which was located in the bedroom. Agent (b)(6), (b)(7)(C) gave this wallet to Detective (b)(6), (b)(7)(C). Detective (b)(6), (b)(7)(C) located an amount of United States currency in this wallet. He counted this currency in the presence of (b)(6) myself, and Detective Sergeant (b)(6), (b)(7)(C). The currency located in this wallet amounted to \$2080.00. Detective Sergeant (b)(6), (b)(7)(C) located an item of standing for (b)(6) in the kitchen area and Detective (b)(6), (b)(7)(C) located an item of standing for (b)(6) in the kitchen as well.

(b)(6) was placed under arrest and transported to the Fall River Police Department where he was booked and placed in a cell. The crack cocaine was seized and will be sent to the state laboratory for analysis. The marijuana was also seized. It will be turned over to the Fall River Police Department's Drug Evidence Officer and will be destroyed. The assorted United States currency will be logged as proceeds from illegal narcotics activities and turned over to the Office of the Chief of Police to await future forfeiture proceedings. All other evidence was seized and will be logged and secured until required for court proceedings.

At the police station, Detective (b)(6), (b)(7)(C) conducted field tests on samples of suspected crack cocaine from both baggies seized at the residence. He told me that both samples tested positive for cocaine. For further details of these field tests refer to Detective (b)(6), (b)(7)(C) supplementary reports. It should be noted that according to a school zone map of the City of Fall River dated March 19, 2012, prepared by (b)(6), (b)(7)(C) this incident took place within 1000 feet of the Citizen for Citizen Day Care facility which is located at 284 Griffin Street in Fall River.

Submitted By:

Detective

(b)(6), (b)(7)(C)

Date:

Approved By:

Detective Sergeant

(b)(6), (b)(7)(C)

Date:

C E R T I F I C A T I O N

I, (b)(6) OFFICIAL COURT REPORTER, DO HEREBY
CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT
FROM THE RECORD OF THE COURT PROCEEDINGS IN THE ABOVE ENTITLED
MATTER.

I, (b)(6) FURTHER CERTIFY THAT THE FOREGOING
IS IN COMPLIANCE WITH THE ADMINISTRATIVE OFFICE OF THE TRIAL
COURT'S DIRECTIVE ON TRANSCRIPT FORMAT.

I, (b)(6) FURTHER CERTIFY THAT I NEITHER AM
COUNSEL FOR, RELATED TO, NOR EMPLOYED BY ANY OF THE PARTIES TO
THE ACTION IN WHICH THIS HEARING WAS TAKEN; AND FURTHER, THAT I
AM NOT FINANCIALLY, NOR OTHERWISE INTERESTED IN THE OUTCOME OF
THE ACTION.

(b)(6) OFFICIAL COURT REPORTER
PROCEEDINGS TAKEN STENOGRAPHICALLY AND PRODUCED THROUGH COMPUTER
AIDED TECHNOLOGY

(SIGNATURE)

(DATE)

BARNSTABLE SUPERIOR COURT
ROUTE 6A, BARNSTABLE, MA 02630
(508) (b)(6)

(b)(6) OCR; BARNSTABLE SUPERIOR COURT
(508) (b)(6) @jud.state.ma.us

(b)(6)

District Court Department
Fall River Division
No.: (b)(6)

COMMONWEALTH

v.

(b)(6)

MEMORANDUM AND ORDER ON DEFENDANT'S MOTION TO SUPPRESS EVIDENCE

On April 18, 2012 at about 6:30 A.M. a federal Immigration and Customs Enforcement agent accompanied by six to seven Fall River Police Officers including narcotics officers, went to the Defendant's apartment as part of a "roundup" of aliens subject to removal from the country. The ICE agent and the police officers entered the apartment and the police officers searched the premises, finding controlled substances for which the Defendant has been charged in the instant complaint. Neither the police officers nor the ICE agent had an arrest warrant for the Defendant nor a search warrant for the premises.

Following an evidentiary hearing and the testimony of two witnesses, I make the following findings of fact:

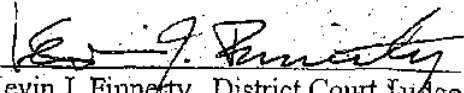
1. Neither the Defendant nor anyone else with authority to do so consented to the entry of the ICE agent or the accompanying Fall River police officers into the apartment where the Defendant was found. I do not credit the testimony that the Defendant made an unequivocal gesture inviting the agent in, and the Commonwealth has not sustained its burden of proving consent to enter.
2. The Defendant had an expectation of privacy in that apartment. Although the apartment was not leased in his name, he resided there and paid all of the bills for the apartment.
3. Absent consent, there was no lawful justification for the agent or police entry into the apartment.
4. The search of the apartment conducted by the Fall River Police Officers exceeded the scope of a protective sweep even if the police officers were lawfully in the apartment and even if they then had lawful grounds to conduct a protective sweep. I do not credit the testimony (which was not that of the officer who claims to have found the contraband) that contraband was found in plain view in the bathroom of the apartment. The police officers did not have probable cause to search the apartment for drugs or other contraband. The "consent" search which followed the illegal entry and the police officers' initial, illegal search in which contraband was

discovered was not voluntary and was tainted by the prior unlawful entry and search. See *Commonwealth v. Arias*, 81 Mass. App. Ct. 342, 350-351 (2012); *Commonwealth v. Midi*, 46 Mass. App. Ct. 591 (1999).

For the foregoing reasons, all evidence obtained following the illegal entry into the apartment is suppressed.

The Defendant's Motion is ALLOWED.

February 1, 2013


Kevin J. Finnelly, District Court Judge

From: CRCL_DHSOIGHotline
To: (b)(6) CRCL_DHSOIGHotline
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 14-07-ICE-0330 - Box 1 Email
Date: Wednesday, August 27, 2014 2:34:12 PM
Attachments: image003.png

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)
Sent: Wednesday, August 20, 2014 2:17 PM
To: CRCL_DHSOIGHotline
Cc: Dent, Martina; Wong, Annie; Gordon, Celia; Mayi, Jackie; Daniels, Nikkeia (CTR); Waller, Jessica (CTR)
Subject: CRCL Complaint Number 14-07-ICE-0330

DHS OIG,

Summary of new complaint for your review:

On April 22, 2014, CRCL received postal mail from (b)(6) of Catholic Social Services Diocese of Fall River on behalf of her client, (b)(6) writes that Mr. (b)(6) was at his home in Fall River, Massachusetts on April 18, 2012, when ICE agents, (b)(6), (b)(7)(C) and five Fall River Police Officers entered and searched Mr. (b)(6) home and placed him under arrest. Ms. (b)(6) states that the officers entered and searched the apartment without consent, warrant, or other legal justification. She writes that ICE Agent (b)(6) claimed to have an "administrative warrant," but disputes that any administrative warrant existed. Ms. (b)(6) alleges that the search and seizure was traumatic for Mr. (b)(6) children, at least one of whom saw Mr. (b)(6) handcuffed, interrogated, and removed from the apartment.

Thank you.

(b)(6)
Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(202)357-(b)(6) (o)
(b)(6)@associates.hq.dhs.gov

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-14-0319 14-07-ICE-0330 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2014-08-01 12:55	Update	Summary	On April 22, 2014, CRCL received postal mail from (b)(6) of Catholic Social Services Diocese of Fall River on behalf of her client, (b)(6) Ms. (b)(6) writes that Mr. (b)(6) was at his home in Fall River, Massachusetts on April	9640	(b)(6)	User Change
DhsComplaint	2014-08-01 12:55	Update	Days to Process	101	9640	(b)(6)	User Change
DhsComplaint	2014-04-30 15:38	Create	Component Referenced	ICE	9640	(b)(6)	User Change
DhsComplaint	2014-04-30 15:38	Create	Summary	On April 22, 2014, CRCL received postal mail from (b)(6) of Catholic Social Services Diocese of Fall River on behalf of her client, (b)(6) Ms. (b)(6) writes that Mr. (b)(6) was at his home in Fall River, Massachusetts on April	9640	(b)(6)	User Change
DhsComplaint	2014-04-30 15:38	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	9640	(b)(6)	User Change
DhsComplaint	2014-04-30 15:38	Create	Days to Process	8	9640	(b)(6)	User Change
DhsComplaint	2014-04-30 15:38	Create	Date to CRCL	04/22/2014	9640	(b)(6)	User Change
DhsComplaint	2014-04-30 15:38	Create	Date to DHS	04/22/2014	9640	(b)(6)	User Change
DhsComplaint	2014-04-30 15:38	Create	Date on Correspondence	04/16/2014	9640	(b)(6)	User Change
DhsComplaint	2014-04-30 15:38	Create	Number of Complainants	1	9640	(b)(6)	User Change
	2014-					(b)(6)	

DhsComplaint	04-30 15:38	Create	Sender Type	NGO/Organization	9640	(b)(6)	User Change
DhsComplaint	2014-04-30 15:38	Create	Method of Receipt	Standard Mail	9640		User Change
DhsComplaint	2014-04-30 15:38	Create	Entry Date	04/30/2014	9640		User Change
DhsComplaintAction	2014-04-30 15:54	Create	Action	Notes	113581		User Change
DhsComplaintAction	2014-04-30 15:54	Create	Action Date	04/30/2014	113581		User Change
DhsComplaintAction	2014-04-30 15:54	Create	Comments	On April 25, 2014, (b)(6) tasked (b)(6) with processing this matter.	113581		User Change
DhsComplaintAction	2014-08-28 09:55	Create	Comments	Per (b)(6) (b)(6) (b)(5),(b)(7)(A) (b)(5),(b)(7)(A) Assigned to (b)(6) (b)(6)	116128		User Change
DhsComplaintAction	2014-08-28 09:55	Create	Action Date	08/28/2014	116128		User Change
DhsComplaintAction	2014-08-28 09:55	Create	Action	Awaiting Recommendation	116128		User Change
DhsComplaintAction	2014-08-28 09:54	Create	Action Date	08/27/2014	116127		User Change
DhsComplaintAction	2014-08-28 09:54	Create	Action	IG Declines/Back from IG	116127		User Change
DhsComplaintAction	2014-08-28 09:54	Create	Document	14-07-ICE-0330 (OIG Response 08.27.2014).pdf	116127		User Change
DhsComplaintAction	2014-08-28 09:53	Create	Action Date	08/20/2014	116126		User Change
DhsComplaintAction	2014-08-28 09:53	Create	Action	Sent to IG	116126		User Change
DhsComplaintAction	2014-08-20 14:05	Create	Comments	08/19/2014- Per (b)(6) (b)(5),(b)(7)(A) Assigned to (b)(6)	115980		User Change

				(b)(6)		(b)(6)	
DhsComplaintAction	2014-08-20 14:05	Create	Action Date	08/20/2014	115980		User Change
DhsComplaintAction	2014-08-20 14:05	Create	Action	Open a Complaint	115980		User Change
DhsComplaintAction	2014-08-20 09:25	Update	Comments	On 07/31/2014, (b)(6) provided (b)(6) with the hard copy file. On 08/01/2014, (b)(6) gave it to (b)(6) for his review and recommendation as to how to handle. (b)(5),(b)(6),(b)(7)(A)	115479		User Change
DhsComplaintAction	2014-08-18 09:17	Update	Comments	On 07/31/2014, (b)(6) provided (b)(6) with the hard copy file. On 08/01/2014, (b)(6) gave it to (b)(6) for his review and recommendation as to how to handle. (b)(5),(b)(6),(b)(7)(A)	115479		User Change
DhsComplaintAction	2014-08-05 16:19	Update	Comments	On 07/31/2014, (b)(6) provided (b)(6) with the hard copy file. On 08/01/2014, (b)(6) gave it to (b)(6) for his review and recommendation as to how to handle. (b)(5),(b)(6),(b)(7)(A)	115479		User Change
DhsComplaintAction	2014-08-01 12:59	Create	Action Date	08/01/2014	115479		User Change
DhsComplaintAction	2014-08-01 12:59	Create	Action	Notes	115479		User Change
				On 07/31/2014, (b)(6) provided (b)(6)			

DhsComplaintAction	2014-08-01 12:59	Create	Comments	(b)(6) with the hard copy file. On 08/01/2014, (b)(6) gave it to (b)(6) for his review and recommendation as to how to handle.	115479	(b)(6)	User Change
DhsComplaintAction	2014-05-02 13:52	Create	Action	Notes	113621		User Change
DhsComplaintAction	2014-05-02 13:52	Create	Action Date	05/02/2014	113621		User Change
DhsComplaintAction	2014-05-02 13:52	Create	Comments	On April 30, 2014, (b)(6) sent (b)(6) the draft routing sheet for review. On May 2, 2014, (b)(6) provided (b)(6) the routing sheet for finalization and updates to Entellitrak.	113621		User Change
DhsComplaintAction	2014-09-05 10:54	Create	Action Date	09/05/2014	116353		User Change
DhsComplaintAction	2014-09-05 10:54	Create	Action	Back from Officer	116353		User Change
DhsComplaintAction	2014-09-05 10:54	Create	Comments	refer	116353		User Change
DhsComplaintAction	2014-09-05 10:54	Create	Primary Assignment	(b)(6)	116353		User Change
DhsComplaintAction	2014-09-05 10:54	Create	Action Date	09/05/2014	116351		User Change
DhsComplaintAction	2014-09-05 10:54	Create	Action	Recommendation Review	116351		User Change
DhsComplaintDocument	2014-09-03 12:17	Create	Document Type	Acknowledgement Letter	96801		User Change
DhsComplaintDocument	2014-09-03 12:17	Create	Document 1	04.22.2014 14-07-ICE-0330.pdf	96801		User Change
DhsComplaintDocument	2014-09-03 12:17	Create	Foreign Language	No	96801		User Change
DhsComplaintDocument	2014-09-03 12:17	Create	Dateentered	09/03/2014	96801		User Change
DhsComplaintDocument	2014-05-02 12:00	Create	Document 2	(b)(6) RM Detention History.pdf	94476		User Change
DhsComplaintDocument	2014-05-02 12:00	Create	Comments	EARM	94476		User Change

DhsComplaintDocument	2014-05-02 12:00	Create	Document Type	Miscellaneous Material/Other	94476	(b)(6)	User Change
DhsComplaintDocument	2014-05-02 12:00	Create	Document 3	(b)(6) RM Encounter Record.pdf	94476		User Change
DhsComplaintDocument	2014-05-02 12:00	Create	Foreign Language	No	94476		User Change
DhsComplaintDocument	2014-05-02 12:00	Create	Document 1	(b)(6) RM Comments Record.pdf	94476		User Change
DhsComplaintDocument	2014-05-02 12:00	Create	Dateentered	05/02/2014	94476		User Change
DhsComplaintDocument	2014-04-30 15:45	Create	Document Type	Incoming Letter	94451		User Change
DhsComplaintDocument	2014-04-30 15:45	Create	Foreign Language	No	94451		User Change
DhsComplaintDocument	2014-04-30 15:45	Create	Document 1	04 22 2014 (b)(6) Catholic Social Service.pdf	94451		User Change
DhsComplaintDocument	2014-04-30 15:45	Create	Dateentered	04/30/2014	94451		User Change
DhsComplaintIssue	2014-04-30 15:53	Create	Incident Location Type	Residence	15229		User Change
DhsComplaintIssue	2014-04-30 15:53	Create	City	Fall River	15229		User Change
DhsComplaintIssue	2014-04-30 15:53	Create	State	Massachusetts - MA	15229		User Change
DhsComplaintIssue	2014-04-30 15:53	Create	Incident Location	(b)(6)	15229		User Change
DhsComplaintIssue	2014-04-30 15:53	Create	Redirect to Subject	No	15229		User Change
DhsComplaintIssue	2014-04-30 15:53	Create	Situation	DHS law enforcement activity	15229		User Change
DhsComplaintIssue	2014-04-30 15:53	Create	(b)(5)	(b)(5)	15229		User Change
DhsComplaintIssue	2014-04-30 15:53	Create	Ongoing	No	15229		User Change
DhsComplaintIssue	2014-04-30 15:53	Create	Primary Issue	Yes	15229		User Change
DhsComplaintIssue	2014-04-30 15:53	Create	Incident Date	04/18/2012	15229		User Change
	2014-						

DhsComplaintPartiesInvolved	05-02 13:56	Update	Contact Type	On Behalf Of	25394	(b)(6)	User Change
DhsComplaintPartiesInvolved	2014-08-20 09:24	Update	Comments	Ms. (b)(6) an attorney with Catholic Social Services, Dioceses of Fall River, is representing (b)(6) in this complaint.	25393		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:51	Update	Zip Code	02724	25393		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:50	Create	First Name	(b)(6)	25394		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:50	Create	Zip Code	01062	25394		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:50	Create	Address Line 1	(b)(6)	25394		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:50	Create	Last Name	(b)(6)	25394		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:50	Create	City	Florence	25394		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:50	Create	Contact Type	Source	25394		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:50	Create	State	Massachusetts - MA	25394		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:50	Create	Alien Registration	(b)(6)	25394		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:48	Create	First Name	(b)(6)	25393		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:48	Create	Zip Code	01062	25393		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:48	Create	Address Line 1	(b)(6)	25393		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:48	Create	Last Name	(b)(6)	25393		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:48	Create	Email	(b)(6)@ccsdioc.org	25393		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:48	Create	Address Line 2	(b)(6)	25393		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:48	Create	Phone	508 (b)(6)	25393		User Change
DhsComplaintPartiesInvolved	2014-04-30	Create	City	Fall River	25393		User Change

	15:48					(b)(6)	
DhsComplaintPartiesInvolved	2014-04-30 15:48	Create	Contact Type	Sender	25393		User Change
DhsComplaintPartiesInvolved	2014-04-30 15:48	Create	State	Massachusetts - MA	25393		User Change



Homeland
Security

August 29, 2014

Via electronic mail

(b)(6)

Homestead, FL 33033

(b)(6)

Re: Complaint No. 14-11-ICE-0357

Dear Ms. (b)(6)

On June 12, 2014, the Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received your complaint. It was forwarded to CRCL by the Department of Homeland Security Office of Inspector General. Thank you for contacting us with your concerns. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of DHS.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of Inspector General (OIG) for review. If OIG declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome of the investigation.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email address, and mailing address if available, and your alien number if applicable. You may contact CRCL by email at CRCLCompliance@hq.dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security

Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of someone else, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so.

When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting CRCL. Communications like yours are essential to our ability to carry out our role of supporting the DHS's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact us either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

A handwritten signature in black ink, appearing to read 'Dana Salvano-Dunn', written in a cursive style.

Dana Salvano-Dunn
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Authority: 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

Purpose: The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

Routine Uses: This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

Disclosure: Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to www.dhs.gov/privacy.

From: [DHSOIGHotlineMailbox](#)
To: [JOINT INTAKE](#)
Cc: [CRCLCompliance](#)
Subject: DHS OIG C1410568
Date: Thursday, June 12, 2014 11:15:02 AM
Attachments: [C1410568 SummaryReport.pdf](#)

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: CRCL DHSOIGHotline
To: (b)(6) CRCL DHSOIGHotline
Cc: (b)(6)
Subject: RE: C1410568 - CRCL Complaint Number 14-09-ICE-0357
Date: Tuesday, September 02, 2014 10:14:27 AM
Attachments: image003.png

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)
Sent: Friday, August 29, 2014 12:54 PM
To: CRCL DHSOIGHotline
Cc: (b)(6)
Subject: CRCL Complaint Number 14-09-ICE-0357

DHS OIG,

Summary of new complaint for your review:

On June 12, 2014, CRCL received email correspondence from DHS OIG (C1410568) regarding (b)(6). In the email to DHS OIG, Ms. (b)(6) alleges that an ICE SWAT team entered ("invaded") her home located at (b)(6) Homestead, Florida on June 10, 2014, at 6:16 am. Ms. (b)(6) alleged that the agents used excessive force; her naked body was exposed and the agent did not allow her to put on clothes; the handcuff was placed on her too tight; and her personal property was destroyed. Ms. (b)(6) states that she will be seeking compensation for damages as well as humiliation, sexual misconduct and abuse of force.

(b)(6)
Office for Civil Rights and Civil Liberties
Department of Homeland Security
202-357-(b)(6)
(b)(6)@associates.hq.dhs.gov

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-14-0741 14-09-ICE-0357 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2014-08-22 14:26	Update	Allegation	(CR/CL) Civil Rights/Civil Liberty	10068	(b)(6)	User Change
DhsComplaint	2014-08-22 14:26	Update	Date on Correspondence	06/12/2014	10068		User Change
DhsComplaint	2014-08-22 14:26	Update	Days to Process	71	10068		User Change
DhsComplaint	2014-08-22 14:26	Update	Date to CRCL	06/12/2014	10068		User Change
DhsComplaint	2014-08-22 14:26	Update	Date to DHS	06/12/2014	10068		User Change
DhsComplaint	2014-08-22 14:25	Update	Summary	On June 12, 2014, CRCL received email correspondence from DHS OIG (C1410568) regarding (b)(6) (b)(6) In the email to DHS OIG, Ms. (b)(6) alleges that ICE SWAT entered ("invaded") her home located at (b)(6) Street, Homestead, Florida on June 10, 201	10068		User Change
DhsComplaint	2014-08-22 14:05	Create	Component Referenced	ICE	10068		User Change
DhsComplaint	2014-08-22 14:05	Create	Summary	On June 12, 2014, CRCL received email correspondence from DHS OIG (C1410568) regarding (b)(6) (b)(6) In the email to DHS OIG, Ms. (b)(6) alleges that ICE SWAT entered ("invaded") her home located at (b)(6) Street, Homestead, Florida on June 10, 201	10068		User Change
DhsComplaint	2014-08-22 14:05	Create	Days to Process	10	10068		User Change

DhsComplaint	2014-08-22 14:05	Create	Date to CRCL	08/12/2014	10068	(b)(6)	User Change
DhsComplaint	2014-08-22 14:05	Create	Date to DHS	08/12/2014	10068		User Change
DhsComplaint	2014-08-22 14:05	Create	Date on Correspondence	08/12/2014	10068		User Change
DhsComplaint	2014-08-22 14:05	Create	Method of Receipt	Email	10068		User Change
DhsComplaint	2014-08-22 14:05	Create	Entry Date	08/22/2014	10068		User Change
DhsComplaint	2014-08-25 14:42	Update	Days to Process	74	10068		User Change
DhsComplaint	2014-08-25 14:42	Update	Summary	On June 12, 2014, CRCL received email correspondence from DHS OIG (C1410568) regarding (b)(6) In the email to DHS OIG, Ms. (b)(6) alleges that an ICE SWAT team entered ("invaded") her home located at (b)(6) Street, Homestead, Florida on June	10068		User Change
DhsComplaintAction	2014-08-25 14:32	Create	Comments	On 08/25/2014, (b)(6) gave the hard copy file to (b)(6) for review and presentation at case opening meeting if appropriate.	116034		User Change
DhsComplaintAction	2014-08-25 14:32	Create	Action Date	08/25/2014	116034		User Change
DhsComplaintAction	2014-08-25 14:32	Create	Action	Notes	116034		User Change
DhsComplaintAction	2014-09-05 13:26	Update	Comments	short form	116394		User Change
DhsComplaintAction	2014-09-05 13:26	Create	Action Date	09/05/2014	116394		User Change
DhsComplaintAction	2014-09-05 13:26	Create	Action	Back from Officer	116394		User Change
DhsComplaintAction	2014-09-05 13:26	Create	Comments	retain	116394		User Change
	2014-						

DhsComplaintAction	09-05 13:26	Create	Primary Assignment	(b)(6)	116394	(b)(6)	User Change
DhsComplaintAction	2014- 09-05 13:25	Create	Action Date	09/05/2014	116393		User Change
DhsComplaintAction	2014- 09-05 13:25	Create	Action	Recommendation Review	116393		User Change
DhsComplaintAction	2014- 09-02 11:24	Create	Action Date	09/02/2014	116237		User Change
DhsComplaintAction	2014- 09-02 11:24	Create	Action	Notes	116237		User Change
DhsComplaintAction	2014- 09-02 11:24	Create	Comments	Given to (b)(6) (b)(6)	116237		User Change
DhsComplaintAction	2014- 09-02 11:24	Create	Action Date	09/02/2014	116236		User Change
DhsComplaintAction	2014- 09-02 11:24	Create	Action	Awaiting Recommendation	116236		User Change
DhsComplaintAction	2014- 09-02 11:24	Create	Comments	08/28/2014 Per (b)(5),(b)(6),(b)(7)(A)	116236		User Change
DhsComplaintAction	2014- 09-02 11:22	Create	Action Date	09/02/2014	116235		User Change
DhsComplaintAction	2014- 09-02 11:22	Create	Action	IG Declines/Back from IG	116235		User Change
DhsComplaintAction	2014- 09-02 11:22	Create	Document	14-09-ICE-0357 (OIG Response 09.02.2014).pdf	116235		User Change
DhsComplaintAction	2014- 08-29 12:51	Create	Action Date	08/29/2014	116178		User Change
DhsComplaintAction	2014- 08-29 12:51	Create	Action	Sent to IG	116178		User Change
DhsComplaintAction	2014- 08-29 12:50	Create	Comments	08/28/2014 Per (b)(5),(b)(6),(b)(7)(A)	116177		User Change
DhsComplaintAction	2014- 08-29 12:50	Create	Action Date	08/29/2014	116177		User Change
DhsComplaintAction	2014- 08-29 12:50	Create	Action	Open a Complaint	116177		User Change
				On 08/25/2014, (b)(6) gave the hard copy file to (b)(6) for review and presentation at case opening meeting if			

DhsComplaintAction	2014-08-29 10:46	Update	Comments	appropriate. On 08/28/2014, (b)(6) assigned this complaint to (b)(6) On 08/29/2014, (b)(6) tasked (b)(6) with handling	116034	(b)(6)	User Change
DhsComplaintDocument	2014-08-22 14:09	Create	Dateentered	08/22/2014	96600		User Change
DhsComplaintDocument	2014-08-22 14:09	Create	Foreign Language	No	96600		User Change
DhsComplaintDocument	2014-08-22 14:09	Create	Document 1	06.12.2014 (b)(6) OIG C1410568.pdf	96600		User Change
DhsComplaintDocument	2014-08-22 14:09	Create	Document Type	Incoming Letter	96600		User Change
DhsComplaintDocument	2014-08-29 15:19	Create	Dateentered	08/29/2014	96770		User Change
DhsComplaintDocument	2014-08-29 15:19	Create	Foreign Language	No	96770		User Change
DhsComplaintDocument	2014-08-29 15:19	Create	Document 1	06.12.2014 14-09-ICE-0357.pdf	96770		User Change
DhsComplaintDocument	2014-08-29 15:19	Create	Document Type	Acknowledgement Letter	96770		User Change
DhsComplaintIssue	2014-08-22 14:14	Create	Incident Date	06/12/2014	15841		User Change
DhsComplaintIssue	2014-08-22 14:14	Create	(b)(5)	(b)(7)(A)	15841		User Change
DhsComplaintIssue	2014-08-22 14:14	Create	Incident Location Type	Residence	15841		User Change
DhsComplaintIssue	2014-08-22 14:14	Create	Redirect to Subject	No	15841		User Change
DhsComplaintIssue	2014-08-22 14:14	Create	State	Florida - FL	15841		User Change
DhsComplaintIssue	2014-08-22 14:14	Create	Incident Location	(b)(6) Street,	15841		User Change
DhsComplaintIssue	2014-08-22 14:14	Create	Ongoing	No	15841		User Change
DhsComplaintIssue	2014-08-22 14:14	Create	Primary Issue	Yes	15841		User Change
DhsComplaintIssue	2014-08-22 14:14	Create	Situation	DHS law enforcement activity	15841		User Change

DhsComplaintIssue	2014-08-22 14:14	Create	City	Homestead,	15841	(b)(6)	User Change
DhsComplaintPartiesInvolved	2014-08-22 14:29	Update	Phone	786 (b)(6)	26400		User Change
DhsComplaintPartiesInvolved	2014-08-22 14:29	Update	Comments	(b)(6) Homestead, FL 33033	26400		User Change
DhsComplaintPartiesInvolved	2014-08-22 14:29	Update	Email	(b)(6)	26400		User Change
DhsComplaintPartiesInvolved	2014-08-22 14:11	Create	Last Name	(b)(6)	26400		User Change
DhsComplaintPartiesInvolved	2014-08-22 14:11	Create	First Name	(b)(6)	26400		User Change
DhsComplaintPartiesInvolved	2014-08-22 14:11	Create	Contact Type	Sender	26400		User Change
DhsComplaintPartiesInvolved	2014-08-22 14:10	Create	Last Name	DHS OIG	26399		User Change
DhsComplaintPartiesInvolved	2014-08-22 14:10	Create	Organization	DHS	26399		User Change
DhsComplaintPartiesInvolved	2014-08-22 14:10	Create	Contact Type	Source	26399		User Change

**2015-CRFO-0000200928 through 2015-
CRFO-0000201006 are covered by Statute
8 U.S.C. § 1367**

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Homeland
Security

September 2, 2014

Via electronic mail

(b)(6)

Houston Contract Detention Center
15850 Export Plaza Drive
Houston, TX 77032

Re: Complaint No. 14-11-ICE-0353

Dear Mr. (b)(6)

On August 7, 2014, the Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received your complaint. Thank you for contacting us with your concerns. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of DHS.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of Inspector General (OIG) for review. If OIG declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome of the investigation.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email address, and mailing address if available, and your alien number if applicable. You may contact CRCL by email at CRCLCompliance@hq.dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of someone else, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so.

When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting CRCL. Communications like yours are essential to our ability to carry out our role of supporting the DHS's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact us either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

A handwritten signature in black ink, appearing to read 'Dana Salvano-Dunn', with a stylized, cursive script.

Dana Salvano-Dunn
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Authority: 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

Purpose: The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

Routine Uses: This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

Disclosure: Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to www.dhs.gov/privacy.

Grievance No.:

14-5B

*** ICE GRIEVANCE *****INMATE/RESIDENT GRIEVANCE**

FULL NAME:

(b)(6)

(b)(6)

NUMBER:

(b)(6)

HOUSING ASSIGNMENT:

(b)(6)

INFORMAL RESOLUTION ATTACHED (Not required for an emergency grievance)? ☒ YES ☐ NO**GRIEVANCE CATEGORY (CIRCLE ONE):**

1. Facility Staff	8. Dental Services	15. Housing
2. Access to Legal Materials	9. Mental Health Services	16. Laundry
3. Denied Access to Informal Resolution/Grievance Process	10. Trust Account	17. Recreation
4. Reprisal for Using Informal Resolution/Grievance Process	11. Commissary	18. Visitation
5. Safety/Security	12. Food Service	19. Programs-education, work, religious, etc.
6. Sanitation	13. Mail	20. Violations of federal or state regulations, laws, court decisions (i.e. ADA or Constitutional rights)
7. Medical Services	14. Intake	21. Other

STATE GRIEVANCE (Include documentation, witnesses, date of incident, and any other information pertaining to the grievance subject. Attach additional pages if necessary.)

While I'm waiting for my appeal with 9th Circuit Court, I have to inform you about the problems of Abuse and mental harassment caused to my family and myself by Immigration and Customs Enforcement.!!
 Deportation officer (b)(6), (b)(7)(C) came to my place of work. At the facility he put his hands on me. Rudely asked me to give him my passport. I told him I don't have. (b)(6), (b)(7)(C) told L.T. to fire me from my facility J.O.B. (Harassing me constantly) I have been served my property here @ facility 2 times. My house were my family lived was RAN sacked by ICE (Recently) with out a search warrant (Harassing my family.) CNN News has been notified. C.R.C. in Washington has been notified. I am scared for my life and don't know what to do please have Deportation officer and ICE STOP Harassing me and my family. Please, I have attached Affidavits of mother, wife and sister of the harassing abuse caused to them by ICE. I'm LU of Class Action Law suit for violation of 4th amendment Civil Right, searching my family home with NO search warrant, two million Dollars (1983) law suit.

Requested Action: (Attach additional pages if necessary)

- ① Release from custody ASAP. OR
 ② Transfer me ASAP OR
 ③ STOP Harassing me and my family ASAP.

I'm LU of 1983 4th Amendment Civil Rights violation.

Also CNN Appendix 7.2. A: New interview Authorization form has been signed and sent to CNN, for interview I want

* interview ASAP. *

(b)(6)

Inmate/Resident's Signature:

Date Submitted:

7-27-14

Appendix 7.2.A: News Interview Authorization Form

Date: 7/28/014

Name of detainee: (b)(6)

A-number: (b)(6)

Facility/Location: HPC 15850 Export plaza Center Houston, TX 77032

Name of News Media Representative: CNN

Address of Media Represented: _____

I, the above-named detainee, do hereby freely give permission to the above-named news media representative to interview me on or about July 29, 2014-July 29, 2020 (date), and hereby authorize the news media represented by this person to use any information gathered about me during this interview for any legitimate purpose. I further authorize U.S. Immigration and Customs Enforcement (ICE) and its authorized representatives to release to representatives of the news media any documents or information relating to allegations or comments made by me in this interview.

Detainee's Signature: (b)(6)

Witness' Signature: (b)(6)

Witness' Title: (b)(6)

"Detainee"

Refused by Interview

I, the above-named detainee, refuse permission to the above-named news media representative to interview me.

Detainee's Signature: NO

Witness' Signature: NO

Witness' Title: NO

Consent for Recordings and Photos

I, the above-named detainee, do freely give permission to the above-named news media representative to make recordings of my voice during this interview and to make still, movie or video photos of me, and authorize the use of such pictures or recordings for any legitimate purpose by the news media represented by this person.

Detainee's Signature: X (b)(6)

Witness' Signature: (b)(6)

Witness' Title: (b)(6) "Detainees"

§ 241. Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

§ 242. Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

State of TEXAS §

County of HARRIS §

AFFIDAVIT

BEFORE ME the undersigned authority, on this day appeared who identified herself to me and who, under oath, stated the following:

I, (b)(6), currently residing at (b)(6) Bridge City, TX 77611,
born on (b)(6) in Ho Chi Minh City, Vietnam do solemnly swear and affirm that:

1. I am a citizen of the U.S. I am married to (b)(6) is currently detained at the Corrections Corporations of America detention facility located at 15850 Export Plaza Drive, Houston, TX 77032. He has been there March 19, 2012.
2. On September 26, 2012, the Immigration Judge ordered him removed for violation of the Controlled Substance laws of the U.S.
3. Sometime after that, (b)(6) received a communication from U.S. Immigration & Customs Enforcement (US ICE) stating his custody status will be reviewed on January 24, 2013.
4. Starting sometime in mid-December 2012, I received about 3-4 phone calls from Mr. (b)(6),(b)(7)(C). He told me he was the ICE officer & he needed (b)(6) passport. I told him I did not have it. Mr. (b)(6),(b)(7)(C) was polite.
5. On January 16, 2013, two ICE officers came to the house where I was living at the time. The house belongs to my mother, (b)(6) & I had been living there before he was detained. I continued to live there after he was detained.

6. One of the officers, named (b)(6),(b)(7)(C) gave his business card to (b)(6) sister (b)(6) (b)(6) She speaks English. I do not speak much English. However, the other ICE officer did not identify himself. He was (b)(6),(b)(7)(C) As soon as they arrived, they asked us to furnish (b)(6) passport. We told them we did not have it.
7. They told us if we did not give them the passport, they would stay there until they found it, even if meant being there till the next day. They also told us that if we gave them the passport, they would set up a schedule so (b)(6) me & our child could go to Vietnam together. Mr. (b)(6),(b)(7)(C) said there were a lot of people like us that don't want to give up the passport. He also told me that if I did not give them the passport, they will keep (b)(6) in jail for as needed because Texas has a lot of funding for this sort of stuff.
8. My mother does not speak English either & she was alone when the ICE officers came. She called me & I went over to the house. Then they asked if they could look around. We did not know what was going on. The officers entered the house. This event started at 1:00 pm.
9. First they looked around the main house, and then they went to the storage area next to the house & looked around into some boxes we kept stored. We followed them around to see what they were looking at.
10. They could not find the passport. At this point they started to threaten us. They said there was an easy way to do this & a difficult way – which way did we want to choose. The event ended about 1.5 hours later. They left around 3:30 pm. They told me to call them when we found the passport.

The contents of the above statements were translated to me from English to Vietnamese
& are true and accurate to the best of my ability. Please call me on 715- (b)(6) if there are
questions.

Signature of

(b)(6)



(b)(6)
MY COMMISSION EXPIRES
NOVEMBER 13, 2013

(b)(6)

Subscribed, sworn to and acknowledged before me by (b)(6) this

20th day of August, 2013.

Notary Seal

(b)(6)

(b)(6)

August 20, 2013

(b)(6), (b)(7)(C)

Field Office Director,
126 Northpoint Drive,
Houston, TX 77060

Re:

(b)(6)

This is to request the release of Mr. (b)(6). I am the attorney of record for Ms. (b)(6) (see attached G-28). Mr. (b)(6) requests post-final order release from custody under Section 241(a) of the Immigration & Nationality Act (the Act). To that effect, he states the following:

1. Mr. (b)(6) was ordered removed by the Immigration Judge (IJ) on September 26, 2012. He waived appeal which made the IJ's order final.
2. In a letter titled "Notice to Alien of File Custody Review" & dated November 26, 2012, Mr. (b)(6) was informed that his custody status would be reviewed on or about January 24, 2013. The letter was "served by" Officer (b)(6), (b)(7)(C). The letter furthermore has a list of documents that Mr. (b)(6) must provide & a questionnaire at the back that asks certain questions in both English & Vietnamese.
3. On January 16, 2013, Mr. (b)(6) wife & sister allege that Officers (b)(6), (b)(7)(C) & (b)(6), (b)(7)(C) traveled to Mr. (b)(6) family's house & searched the contents of his family's house, including items kept in an attached storage area. The family further alleges that the two officers engaged in harassment, threats & intimidation.
4. The officers were allegedly looking for Mr. (b)(6) Vietnamese passport. Mr. (b)(6) his family have consistently maintained that they do not have his passport.

5. Mr. (b)(6) also alleges that on June 28, 2013, Officer: (b)(6), (b)(7)(C) came to the facility where he is detained & asked the Lieutenant there to fire him from job he held in detention.
6. Notices of Failure to Comply & Decision to Continue Detention, both letters dated July 31, 2013 issued to Mr. (b)(6) It is signed by "Deciding Official" but no name or title is noted on the letter.
7. Mr. (b)(6) has been in detention for over eleven months at this point.

When a final order of removal is made, the Department of Homeland Security ("DHS") shall have only 90 days to affect removal. The 90 days run from the date of the removal order becomes administratively final or the date of a federal court's final order if judicial review is sought, or . . . INA §241(a)(9)(A) & (B), 8 U.S.C. §1231 (a)(1)(A) & (B). Under 8 U.S.C. §1231(a)(6), the continued detention of a person beyond the time that his removal is "reasonably foreseeable" raises serious constitutional problems, & thus the statute has been construed as not authorizing indeterminate detention. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

Mr. (b)(6) was ordered removed on September 26, 2012. As mentioned above, he has been incarcerated for over eleven months *following* his final order. Mr. (b)(6) challenges the statements made in the Notice of Failure to Comply letter, in that he advised his family not to cooperate. He has filled out the answers to the questions asked in the Notice to Alien of File Custody Review letter. He has maintained that he does not have his passport.

Furthermore, he is deeply disturbed by the actions of Officers Nixon & Manuel who went to the house where his mother & wife reside. His mother is an LPR & his wife is a U.S. citizen. He feels that the officers overstepped their bounds when they went to the house of persons

lawfully in the U.S. & engaged in a search of their personal household effects. They also allege that they intimidated, harassed & threatened the family.

Mr. (b)(6) is a nonviolent person. He does not pose a threat to the community if he is released on an order of supervision. He has only one crime on his record. It is remote in time, with an arrest that occurred sometime in 2003 when he was 17-years of age. He was convicted on June 16, 2004, more than 9 years ago. He does not pose a significant risk of flight if he is released. He was residing with his Legal Permanent Resident ("LPR") mother, his U.S. citizen wife & a U.S. citizen minor child. All his siblings are LPRs as well. He meets all the criteria outlined in 8 C.F.R. 241.4(e)

Indefinite detention of Mr. (b)(6) would violate both 8 U.S.C. §1231(a)(6) & the Due Process Clause of the Fifth Amendment. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). If released, Mr. (b)(6) will reside at (b)(6) Bridge City, TX 77611.

Mr. (b)(6) hopes he has established his eligibility for post-final order release by your office based upon a totality of the circumstances. Please feel free to contact me via telephone on 713-(b)(6) or by email at (b)(6)@yahoo.com if there are any questions. We look forward to a favorable decision by you.

Sincerely,

(b)(6)

Immigration Attorney

Cc:

Officer (b)(6),(b)(7)(C) DDO
Officer ERO Officer
Officer ERO Officer

1. (b)(6) currently detained at 15850 Export Plaza Drive, Houston TX 77032 born on (b)(6) in Dong Nai, Vietnam do solemnly swear and affirm that:

1. I was placed in removal proceedings upon my return from Vietnam sometime in May, 2012. This was due to a conviction for possession of drugs when I was in high school.
2. I did not prevail in my immigration case & the immigration judge (IJ) ordered me deported on September 26, 2012. My attorney did not file an appeal & the IJ's order became final on October 27, 2012.
3. On October 26, 2012, I was pulled out of detention & taken to an office to meet with deportation officer (b)(6),(b)(7)(C). I was given some paperwork to fill out, which I did. This paperwork asked me for my name, date of birth, etc. I did not have my passport with me. The information regarding my Vietnamese passport details was read to me by Off. (b)(6),(b)(7)(C) & I wrote it down. I went back to my dorm after this meeting.
4. I did not hear anything further until January 15, 2013. On this date, Off. (b)(6),(b)(7)(C) again asked me for my passport. I again reiterated I did not have it. I was asked to empty out all the contents in my dorm. I did so & Off. (b)(6),(b)(7)(C) could see I did not have my passport with me. However, he was very mad.
5. On January 16, 2013, Officers (b)(6),(b)(7)(C) went to my family's house & engaged in harassment, intimidation & threats. They also searched my family's home including boxes of stuff stored in their house. They were unable to find the passport.
6. From February 4 to May 15, 2013, I was bench warranted back to Orange County, TX due to the fact that I have a Habeas Writ pending in that jurisdiction.

to 7. On May 13, 2013, Off. (b)(6),(b)(7)(C) again asked me for the passport. I again repeated I did not have it. He told me he would keep me here as long as it took to remove me. I was given a Vietnamese passport application to fill out which I did.

8. On June 30, 2013, Off. (b)(6),(b)(7)(C) returned to see me again. This time we had a verbal altercation. Mr. (b)(6),(b)(7)(C) cursed me & shouted obscenities at me. He ordered my Lieutenant to not allow me to continue in the job I hold at the detention facility. Several inmates witnessed this exchange & are willing to give corroborating statements.

9. On July 31, Off. (b)(6),(b)(7)(C) came to see me again. This time he said he would keep me detained for five years & also report me on November 8, 2013 for prosecution for non-compliance.

I want to reiterate that I do not have my passport. I cannot produce a passport I do not have. I have filled out all other paperwork as required of me. I feel that I & my family are being punished because we do not have my passport.

The contents of the above statements are true and accurate to the best of my ability.

(b)(6)

Signature of (b)(6)

State of TEXAS §

County of HARRIS §

AFFIDAVIT

BEFORE ME the undersigned authority, on this day appeared who identified herself to me and who, under oath, stated the following:

I, (b)(6) currently residing at (b)(6) Orange, TX 77630, born on (b)(6) in Dong Nai, Vietnam do solemnly swear and affirm that:

1. I am a Legal Permanent Resident of the U.S. I am (b)(6) sister. (b)(6) is currently detained at the Corrections Corporations of America detention facility located at 15850 Export Plaza Drive, Houston, TX 77032. He has been there March 19, 2012.
2. On September 26, 2012, the Immigration Judge ordered him removed for violation of the Controlled Substance laws of the U.S.
3. On January 16, 2013, I received a phone call from my sister-in-law (b)(6). She is married to my brother (b)(6). She told me there were two cops at her house & she asked me to come over in a hurry because I speak English. (b)(6) does not speak English & she did not know what was going on.
4. I was at work. I left immediately & it took me 15 minutes to get to the house. When I arrived there were two ICE officers in the main house. I introduced myself & asked them who they were & why they were there. They told me their names & told me they were there for (b)(6) passport.

5. Mr. (b)(6),(b)(7)(C) said this was a very sad case. He said there were a lot of people who are in the same situation & that they have to deport them. He said if we gave them the passport, (b)(6) could go to Vietnam sooner & not have to stay in jail.
6. They also told us that if we gave them the passport, they would set up a schedule so (b)(6) & their child could go to Vietnam together. Mr. (b)(6),(b)(7)(C) said there were a lot of people like us that don't want to give up the passport. He also told me that if we did not give them the passport, they will keep (b)(6) in jail for as long as it took for us to give them the passport.
7. First they looked around the main house, and then they went to the storage area next to the house & looked around into some boxes we kept stored. We followed them around to see what they were looking at.
8. They could not find the passport. At this point they started to threaten us. They said there was an easy way to do this & a difficult way - which way did we want to choose. The event ended about 1.5 hours later. They left around 3:30 pm. They told me to call them when we found the passport.

The contents of the above statements are true and accurate to the best of my ability.

Please call me on 713-(b)(6) if there are questions

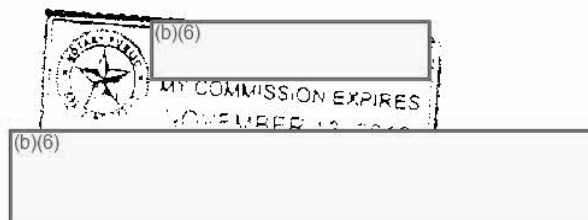
Signature

(b)(6)

Subscribed, sworn to and acknowledged before me by (b)(6) this

20th day of August, 2013.

Notary Seal



From: [DHSOIGHotlineMailbox](#)
To: [JOINT INTAKE](#)
Cc: [CRCLCompliance](#)
Subject: DHS OIG C1415001
Date: Monday, September 08, 2014 4:59:57 PM
Attachments: [C1415001 SummaryReport.pdf](#)

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: CRCL_DHSOIGHotline
To: (b)(6) CRCL_DHSOIGHotline
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 14-11-ICE-0353 - Box 1
Date: Tuesday, September 02, 2014 1:56:39 PM
Attachments: image003.png

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)
Sent: Friday, August 29, 2014 12:31 PM
To: CRCL_DHSOIGHotline
Cc: Dent, Martina; Wong, Annie; Gordon, Celia; Mayi, Jackie; Daniels, Nikkeia (CTR); Waller, Jessica (CTR)
Subject: CRCL Complaint Number 14-11-ICE-0353

DHS OIG,

Summary of new complaint for your review:

On August 5, 2014, CRCL received postal mail correspondence from (b)(6) an ICE detainee at Houston Contract Detention Facility in Houston, Texas. (b)(6) alleges that on January 16, 2013, ICE officials named (b)(6), (b)(7)(C) performed a warrantless search of his home in Texas for his passport, and that ICE officials harass him by requesting his passport at the detention facility as well. (b)(6) alleges that "Officer (b)(6), (b)(7)(C) has attempted to have (b)(6) fired from his job at the facility.

(b)(6)

**Office for Civil Rights and Civil Liberties
Department of Homeland Security**

202-357-(b)(6)

(b)(6)@associates.hq.dhs.gov

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-14-0781 14-11-ICE-0353 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2014-08-28 09:54	Update	Summary	On August 5, 2014, CRCL received postal mail correspondence from (b)(6) (b)(6), an ICE detainee at Houston Contract Detention Facility in Houston, Texas. (b)(6) alleges that on January 16, 2013, ICE officials named (b)(6), (b)(6), (b)(6), (b)(7)(C)	10108	(b)(6)	User Change
DhsComplaint	2014-08-28 09:54	Update	Days to Process	22	10108	(b)(6)	User Change
DhsComplaint	2014-08-28 09:54	Update	Summary	On August 5, 2014, CRCL received postal mail correspondence from (b)(6) (b)(6), an ICE detainee at Houston Contract Detention Facility in Houston, Texas. (b)(6) alleges that on January 16, 2013, ICE officials named (b)(6), (b)(6), (b)(6), (b)(7)(C)	10108	(b)(6)	User Change
DhsComplaint	2014-08-27 09:38	Create	Component Referenced	ICE	10108	(b)(6)	User Change
DhsComplaint	2014-08-27 09:38	Create	Summary	On August 5, 2014, CRCL received postal mail correspondence from (b)(6) (b)(6), an ICE detainee at Houston Contract Detention Facility in Houston, Texas. (b)(6) alleges that ICE officials named (b)(6), (b)(6), (b)(6), (b)(7)(C) performed a	10108	(b)(6)	User Change
DhsComplaint	2014-08-27 09:38	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	10108	(b)(6)	User Change
DhsComplaint	2014-08-27 09:38	Create	Days to Process	21	10108	(b)(6)	User Change
DhsComplaint	2014-08-27 09:38	Create	Date to CRCL	08/06/2014	10108	(b)(6)	User Change
DhsComplaint	2014-08-27 09:38	Create	Date to DHS	08/05/2014	10108	(b)(6)	User Change
DhsComplaint	2014-08-27 09:38	Create	Date on Correspondence	08/05/2014	10108	(b)(6)	User Change
DhsComplaint	2014-08-27 09:38	Create	Sender Type	Individual	10108	(b)(6)	User Change

DhsComplaint	2014-08-27 09:38	Create	Method of Receipt	Standard Mail	10108	(b)(6)	User Change
DhsComplaint	2014-08-27 09:38	Create	Entry Date	08/27/2014	10108		User Change
DhsComplaint	2014-08-27 09:40	Update	Summary	On August 5, 2014, CRCL received postal mail correspondence from (b)(6) an ICE detainee at Houston Contract Detention Facility in Houston, Texas. (b)(6) alleges that ICE officials named (b)(6), (b)(6), (b)(6), (b)(7)(C) performed a	10108		User Change
DhsComplaintAction	2014-09-12 15:38	Create	Action	Back from Officer	116511		User Change
DhsComplaintAction	2014-09-12 15:38	Create	Action Date	09/12/2014	116511		User Change
DhsComplaintAction	2014-09-12 15:38	Create	Primary Assignment	(b)(6)	116511		User Change
DhsComplaintAction	2014-09-12 15:38	Create	Comments	refer	116511		User Change
DhsComplaintAction	2014-09-12 15:38	Create	Action	Recommendation Review	116510		User Change
DhsComplaintAction	2014-09-12 15:38	Create	Action Date	09/12/2014	116510		User Change
DhsComplaintAction	2014-09-03 14:31	Create	Action Date	09/03/2014	116267		User Change
DhsComplaintAction	2014-09-03 14:31	Create	Action	Notes	116267		User Change
DhsComplaintAction	2014-09-03 14:31	Create	Comments	Given to (b)(6)	116267		User Change
DhsComplaintAction	2014-09-03 14:30	Create	Action Date	09/03/2014	116266		User Change
DhsComplaintAction	2014-09-03 14:30	Create	Action	Awaiting Recommendation	116266		User Change
DhsComplaintAction	2014-09-03 14:30	Create	Comments	08/28/2014 Per (b)(6) (b)(6) (b)(5), (b)(6) (b)(5), (b)(7)(A) Primary: (b)(6)	116266		User Change
DhsComplaintAction	2014-09-03 14:28	Create	Action Date	09/03/2014	116265		User Change
DhsComplaintAction	2014-09-03 14:28	Create	Action	IG Declines/Back from IG	116265		User Change
DhsComplaintAction	2014-09-03 14:28	Create	Document	14-11-ICE-0353 (OIG Response 09.03.2014).pdf	116265		User Change

DhsComplaintAction	2014-08-29 12:28	Create	Action Date	08/29/2014	116170	(b)(6)	User Change
DhsComplaintAction	2014-08-29 12:28	Create	Action	Sent to IG	116170		User Change
DhsComplaintAction	2014-08-29 12:27	Create	Comments	08/28/2014 Per (b)(6) (b)(6) (b)(5),(b)(6) (b)(5),(b)(7)(A) Primary: (b)(6)	116169		User Change
DhsComplaintAction	2014-08-29 12:27	Create	Action Date	08/29/2014	116169		User Change
DhsComplaintAction	2014-08-29 12:27	Create	Action	Open a Complaint	116169		User Change
DhsComplaintAction	2014-08-29 10:49	Update	Comments	On 08/28/2014 (b)(6) (b)(6) gave the hard copy file to (b)(6) for review and presentation at case opening if appropriate. On 08/28/2014, (b)(6) assigned this complaint to (b)(6). On 08/29/2014, (b)(6) tasked (b)(6) with handling the com	116129		User Change
DhsComplaintAction	2014-08-28 09:55	Create	Comments	On 08/28/2014, (b)(6) (b)(6) gave the hard copy file to (b)(6) for review and presentation at case opening if appropriate.	116129		User Change
DhsComplaintAction	2014-08-28 09:55	Create	Action Date	08/28/2014	116129		User Change
DhsComplaintAction	2014-08-28 09:55	Create	Action	Notes	116129		User Change
DhsComplaintDocument	2014-09-16 16:52	Create	Document 1	09.08.2014 (b)(6) C1415001 supplemental.pdf	97004		User Change
DhsComplaintDocument	2014-09-16 16:52	Create	Dateentered	09/16/2014	97004		User Change
DhsComplaintDocument	2014-09-16 16:52	Create	Document Type	Incoming Letter	97004		User Change
DhsComplaintDocument	2014-09-16 16:52	Create	Foreign Language	No	97004		User Change
DhsComplaintDocument	2014-09-02 12:31	Create	Document Type	Acknowledgement Letter	96785		User Change
DhsComplaintDocument	2014-09-02 12:31	Create	Document 1	08.07.2014 14-11-ICE- 0353.pdf	96785		User Change
DhsComplaintDocument	2014-09-02 12:31	Create	Foreign Language	No	96785		User Change
DhsComplaintDocument	2014-09-02 12:31	Create	Dateentered	09/02/2014	96785		User Change
DhsComplaintDocument	2014-08-27	Create	Dateentered	08/27/2014	96704		User

	09:41					(b)(6)	Change
DhsComplaintDocument	2014-08-27 09:41	Create	Foreign Language	No	96704		User Change
DhsComplaintDocument	2014-08-27 09:41	Create	Document 1	08.07.2014 (b)(6) df	96704		User Change
DhsComplaintDocument	2014-08-27 09:41	Create	Document Type	Investigative Material	96704		User Change
DhsComplaintDocument	2014-08-27 09:39	Create	Dateentered	08/27/2014	96703		User Change
DhsComplaintDocument	2014-08-27 09:39	Create	Document 2	(b)(6) (b)(6) EARM Comments Record.pdf	96703		User Change
DhsComplaintDocument	2014-08-27 09:39	Create	Foreign Language	No	96703		User Change
DhsComplaintDocument	2014-08-27 09:39	Create	Document 3	(b)(6) (b)(6) EARM Detention History.pdf	96703		User Change
DhsComplaintDocument	2014-08-27 09:39	Create	Document 1	(b)(6) (b)(6) EARM Encounter Record.pdf	96703		User Change
DhsComplaintDocument	2014-08-27 09:39	Create	Document Type	Miscellaneous Material/Other	96703		User Change
DhsComplaintIssue	2014-08-27 09:43	Create	Incident Date	08/05/2014	15888		User Change
DhsComplaintIssue	2014-08-27 09:43	Create	(b)(5),(b)(7)(A)	(b)(5),(b)(7)(A)	15888		User Change
DhsComplaintIssue	2014-08-27 09:43	Create	Incident Location Type	Detention CDF	15888		User Change
DhsComplaintIssue	2014-08-27 09:43	Create	Redirect to Subject	No	15888		User Change
DhsComplaintIssue	2014-08-27 09:43	Create	State	Texas - TX	15888		User Change
DhsComplaintIssue	2014-08-27 09:43	Create	Incident Location	Houston Contract Detention Facility	15888		User Change
DhsComplaintIssue	2014-08-27 09:43	Create	Ongoing	No	15888		User Change
DhsComplaintIssue	2014-08-27 09:43	Create	Country	United States	15888		User Change
DhsComplaintIssue	2014-08-27 09:43	Create	Primary Issue	No	15888		User Change
DhsComplaintIssue	2014-08-27 09:43	Create	Situation	Immigration detention	15888		User Change
DhsComplaintIssue	2014-08-27 09:43	Create	City	Houston	15888		User Change
	2014-						User

DhsComplaintIssue	08-27 09:42	Create	Incident Date	08/05/2014	15887	(b)(6)	Change
DhsComplaintIssue	2014- 08-27 09:42	Create	(b)(5),(b)(7) (A)	(b)(5),(b)(7)(A)	15887		User Change
DhsComplaintIssue	2014- 08-27 09:42	Create	Incident Location Type	Residence	15887		User Change
DhsComplaintIssue	2014- 08-27 09:42	Create	Redirect to Subject	No	15887		User Change
DhsComplaintIssue	2014- 08-27 09:42	Create	Ongoing	No	15887		User Change
DhsComplaintIssue	2014- 08-27 09:42	Create	Primary Issue	Yes	15887		User Change
DhsComplaintIssue	2014- 08-27 09:42	Create	Situation	DHS law enforcement activity	15887		User Change
DhsComplaintPartiesInvolved	2014- 08-27 09:41	Create	Last Name	(b)(6)	26489		User Change
DhsComplaintPartiesInvolved	2014- 08-27 09:41	Create	First Name	(b)(6)	26489		User Change
DhsComplaintPartiesInvolved	2014- 08-27 09:41	Create	Contact Type	Sender	26489		User Change
DhsComplaintPartiesInvolved	2014- 08-27 09:41	Create	Alien Registration	(b)(6)	26489		User Change

From: (b)(6)
To: CRCL
Cc: (b)(6)@yahoo.com
Subject: QUEJA CRCL - LA Detention Center
Date: Friday, July 15, 2011 7:16:02 PM
Attachments: [CRCL1.jpg](#)
[CRCL2.jpg](#)
[CRCL3.jpg](#)
[CRCL4.jpg](#)
[CRCL5.jpg](#)
[CRCL6.jpg](#)
[CRCL7.jpg](#)

(b)(6)
Jurídico Local
Programa Defensa Binacional
Agua Prieta, Sonora
Tel. (633) (b)(6)

Antes de imprimir este e-mail piense bien si es necesario hacerlo. El medio ambiente es cosa de todos. *Think first if you need to print this e- mail. We all need to preserve the environment.*

(b)(6)
Jurídico Local
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Department of Homeland Security (DHS)
Office for Civil Rights and Civil Liberties

Civil Rights Complaint

Fillable Version (last modified 3/15/2011)

The purpose of this form is to assist you in filing a civil rights/civil liberties complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding DHS programs and activities. This form is not intended to be used for complaints about employment with DHS. You are not required to use this form to file a complaint; a letter with the same information is sufficient. However, if you file a complaint by letter, you should include the same information that is requested in the form.

CRCL Mission:

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin (including language proficiency), religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see www.dhs.gov/eeo.)
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency?
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women Act's confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

Notes on Confidentiality and Anonymity:

- A) You may remain anonymous by not filling in your name, below. However, CRCL may not be able to investigate your complaint unless you provide enough information to conduct an investigation.
- B) Disclosure of the information you provide, including your identity, is on a "need-to-know" basis, and is discussed in the Privacy Statement at the end of this document. **IF YOU CHECK THE BOX BELOW, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct).** Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.
☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.
- C) Reprisal against complainants to CRCL is unlawful; if you feel you have been a victim of reprisal, CALL US. 1-866-644-8360.

Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① Information about the person who experienced the civil rights/civil liberties violation

(fill in what you can)

Name: (b)(6) (b)(6)

Phone #: Cell: (b)(6) Home: (b)(6) Work: (b)(6)

Please note that we may contact you at the provided numbers.

Mailing Address: (b)(6) La Puente CA 91746

Date of Birth: (b)(6) Email (optional): (b)(6)@yahoo.com

Alien Registration #: (if you have one and it's available):

☐ Check here if you are in detention now

Which facility?

(b)(6)
Facility name Facility address

☐ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information

② Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.

Name: First Last Job title

Organization (if any):

Phone #: Cell: Home: Work:

Mailing Address: PO Box or Street address City State Zip

③ What happened? Describe your complaint. Give as much detail about your experience as possible.

My complain is towards the staff and the conditions one has through go while being detained. As I explain in pg 7.

Continue on an additional page, if needed.

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

This started the moment came to my house in La
Puente, CA 91746. On July 12, 2011; July 13, 2011,
July 14, 2011.

Where did this happen?

Place (for example, name the detention facility, airport, other): Los Angeles Detention Center

City: Los Angeles State or Country: U.S.A

④ Who treated you unfairly?

An employee, contractor, or officer of (check as many as apply):

☒ Citizenship and Immigration Services (USCIS)

☐ Customs and Border Protection (CBP)*

☒ Customs Officer

☐ Border Patrol Agent

☐ Federal Emergency Management Agency (FEMA)

☒ Immigration and Customs Enforcement (ICE)

☐ Secret Service (USSS)

☐ Transportation Security Administration (TSA)*

☐ U.S. Coast Guard (USCG)

☐ Other DHS program (specify):

☐ Not sure which DHS office

☐ Non-DHS employee working under the authority of DHS (e.g., 287g officer)

specify: The employees wearing green in

Los Angeles Detention center

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency):

(b)(6)

Mailing Address:

Phone No.:

PO

(b)(6)

Email:

Names (or other information, e.g., agency):

Mailing Address:

PO Box or Street address

City

State or Country

Zip

Phone No.:

Email:

Continue on an additional page, if needed.

- ⑥ Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?

☐ Yes: Agency/Office/Court _____ Date: _____

☒ No

If so, has anyone responded to your complaint?

☐ Yes ☐ No

If Yes, describe what has been done to respond to your complaint:

Continue on an additional page, if needed.

- ⑦ Is there any other information you want us to know about or consider?

You should consider the people that suffer like me. My parents brought me at very young age, and I have a clean record, never looked for any trouble. I really did not deserve to be treated the way I did.

Continue on an additional page, if needed.

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.
-

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: crcl@dhs.gov

Phone: Local: 202-401-1474 or

Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470

Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security

CRCL/Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ To submit this form by email, please save, attach, and send to crcl@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to crcl@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the **types** of complaints, and **do not include personal information**. To read our past reports, go to www.dhs.gov/crcl.

To learn more about the Privacy Act go to the Federal Information Center, www.pueblo.gsa.gov.

You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.

Continue on this page, if needed.

When they came ~~know~~ to our house they LIED, and did not care if we had children or not. As soon as we got to the van, I felt like an animal, all door handles removed and windows covered. I have never done anything wrong in my life to be treated like that. As soon as we got to the detention center the ICE agents laughed at my situation which is not only rude but very disrespectful as well. There again lied to me saying I had a chance to get out of there and ~~make~~ encourage me to pay a lawyer. The staff "green" were very sarcastic and disrespectful to everyone in the small, cold, dirty, room. The restrooms are in front of the camera which is also violating a human privacy, everyone can see your private parts and it is something that no one should go through. Lastly those conditions that I went through are very rough and very humiliating. Also the ~~pep~~ staff from ICE are very dumb. They see all of the people that have deportation arrest as inferior towards them, which is awful. They never inform you anything about your case. Which is also not correct, one should have the right to know what's going on with your case, and what is going to happen to you. I would appreciate it if you take this issues into consideration for future people that get arrested.

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-1012 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-07-26 17:42	Create	Component Referenced	ICE	7785	(b)(6)	User Change
DhsComplaint	2011-07-26 17:42	Create	Summary	On July 15, 2011, CRCL received email correspondence from (b)(6) of Juridico Local on behalf of (b)(6), alleging that on July 12, 2011 ICE lied when they appeared to her house about their intentions, then arreste	7785	(b)(6)	User Change
DhsComplaint	2011-07-26 17:42	Create	Executive Summary	On July 15, 2011, CRCL received email correspondence from (b)(6) of Juridico Local on behalf of (b)(6), alleging that on July 12, 2011 ICE lied when they appeared to her house about their intentions, then arreste	7785	(b)(6)	User Change
DhsComplaint	2011-07-26 17:42	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7785	(b)(6)	User Change
DhsComplaint	2011-07-26 17:42	Create	Days to Process	11	7785	(b)(6)	User Change
DhsComplaint	2011-07-26 17:42	Create	Date to CRCL	07/15/2011	7785	(b)(6)	User Change
DhsComplaint	2011-07-26 17:42	Create	Date to DHS	07/15/2011	7785	(b)(6)	User Change
DhsComplaint	2011-07-26 17:42	Create	Date on Correspondence	07/15/2011	7785	(b)(6)	User Change
DhsComplaint	2011-07-26 17:42	Create	Sender Type	NGO/Organization	7785	(b)(6)	User Change
DhsComplaint	2011-07-26 17:42	Create	Method of Receipt	Email	7785	(b)(6)	User Change
DhsComplaint	2011-07-26 17:42	Create	Entry Date	07/26/2011	7785	(b)(6)	User Change
DhsComplaintAction	2011-07-28	Create	Action Date	07/28/2011	105630	(b)(6)	User

	23:27		Create	Comments		Forward to the JIC	105630	(b)(6)	User Change
DhsComplaintAction	2011-07-28 23:27		Create	Action		Forward to Component for action and notify sender	105630		User Change
DhsComplaintDocument	2011-07-26 17:44		Create	Foreign Language	No		84606		User Change
DhsComplaintDocument	2011-07-26 17:44		Create	Document 1	7 15 2011 (b)(6) pdf		84606		User Change
DhsComplaintDocument	2011-07-26 17:44		Create	Document Type	Incoming Letter		84606		User Change
DhsComplaintDocument	2011-07-26 17:44		Create	Dateentered	07/26/2011		84606		User Change
DhsComplaintDocument	2011-07-26 17:51		Create	Comments	EARM records		84607		User Change
DhsComplaintDocument	2011-07-26 17:51		Create	Foreign Language	No		84607		User Change
DhsComplaintDocument	2011-07-26 17:51		Create	Document 1	(b)(6) EARM Case Summary (b)(6) pdf		84607		User Change
DhsComplaintDocument	2011-07-26 17:51		Create	Document Type	Investigative Material		84607		User Change
DhsComplaintDocument	2011-07-26 17:51		Create	Document 2	(b)(6) EARM Encounters Record (b)(6) pdf		84607		User Change
DhsComplaintDocument	2011-07-26 17:51		Create	Dateentered	07/26/2011		84607		User Change
DhsComplaintIssue	2011-07-26 17:51		Create	Incident Location Type	Detention IGSA		13049		User Change
DhsComplaintIssue	2011-07-26 17:51		Create	Ongoing	Yes		13049		User Change
	2011-								

DhsComplaintIssue	07-26 17:51	Create	Country	United States	13049	(b)(6)	User Change
DhsComplaintIssue	2011- 07-26 17:51	Create	Incident Date	07/12/2011	13049		User Change
DhsComplaintIssue	2011- 07-26 17:51	Create	State	California - CA	13049		User Change
DhsComplaintIssue	2011- 07-26 17:51	Create	Issue	Conditions of Detention	13049		User Change
DhsComplaintIssue	2011- 07-26 17:51	Create	Primary Issue	Yes	13049		User Change
DhsComplaintIssue	2011- 07-26 17:51	Create	Redirect to Subject	No	13049		User Change
DhsComplaintIssue	2011- 07-26 17:51	Create	Incident Date 2	07/14/2011	13049		User Change
DhsComplaintIssue	2011- 07-26 17:51	Create	Incident Location	Los Angeles County Jail	13049		User Change
DhsComplaintIssue	2011- 07-26 17:51	Create	City	Los Angeles	13049		User Change
DhsComplaintPartiesInvolved	2011- 07-26 17:49	Create	Last Name	(b)(6)	21992		User Change
DhsComplaintPartiesInvolved	2011- 07-26 17:49	Create	Organization	Other	21992		User Change
DhsComplaintPartiesInvolved	2011- 07-26 17:49	Create	Phone	633 (b)(6)	21992		User Change
DhsComplaintPartiesInvolved	2011- 07-26 17:49	Create	Other Organization	Juridico Local	21992		User Change
DhsComplaintPartiesInvolved	2011- 07-26 17:49	Create	Contact Type	Sender	21992		User Change
DhsComplaintPartiesInvolved	2011- 07-26 17:49	Create	Email	(b)(6) @odhmcj.org	21992		User Change

DhsComplaintPartiesInvolved	2011-07-26 17:49	Create	First Name	(b)(6)		(b)(6)	User Change
DhsComplaintPartiesInvolved	2011-07-26 17:48	Create	Alien Registration	(b)(6)			User Change
DhsComplaintPartiesInvolved	2011-07-26 17:48	Create	Last Name	(b)(6)			User Change
DhsComplaintPartiesInvolved	2011-07-26 17:48	Create	Country	Mexico			User Change
DhsComplaintPartiesInvolved	2011-07-26 17:48	Create	Contact Type	On Behalf Of			User Change
DhsComplaintPartiesInvolved	2011-07-26 17:48	Create	First Name	(b)(6)			User Change

From: (b)(6),(b)(7)(C)
To: CRCL; (b)(6)
Subject: FW: UAW letter alleging CR violations
Date: Thursday, July 21, 2011 4:35:47 PM
Attachments: 11-3201 (b)(6) 07.13.11.pdf

As discussed

From: (b)(6),(b)(7)(C)@dhs.gov]
Sent: Tuesday, July 19, 2011 4:11 PM
To: (b)(6),(b)(7)(C)
Subject: FW: UAW letter alleging CR violations

(b)(6),(b)(7)(C) Special Agent
CBP Internal Affairs
Investigative Operations Division
202 (b)(6),(b)(7)(C)

From: Blumberg, Jeffrey [mailto:(b)(6)@dhs.gov]
Sent: Tuesday, July 19, 2011 4:04 PM
To: (b)(6) (b)(6),(b)(7)(C)
Subject: FW: UAW letter alleging CR violations

FYI

From: Schlanger, Margo
Sent: Monday, July 18, 2011 12:16 PM
To: Blumberg, Jeffrey; Kessler, Tamara
Subject: FW: UAW letter alleging CR violations

FYI. Let's discuss tomorrow.

Margo Schlanger
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357- (b)(6)
(b)(6)@dhs.gov
<http://www.dhs.gov/crcl>



**Homeland
Security**



Solidarity House

8000 EAST JEFFERSON AVE.
DETROIT, MICHIGAN 48214
PHONE (313) 926-5000
FAX (313) 823-6016

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA – UAW

BOB KING, *PRESIDENT*

DENNIS D. WILLIAMS, *SECRETARY-TREASURER*

VICE-PRESIDENTS: JOE ASHTON • CINDY ESTRADA • GENERAL HOLIEFIELD • JIMMY SETTLES

July 13, 2011

Secretary Janet Napolitano
U. S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano:

It was great meeting with you back on April 27, 2011. We greatly appreciate your passion and support of immigrant civil rights.

As you are aware, we have been attempting to confront numerous issues relating to the operations of Department of Homeland Security in the Detroit area. We have documented many abuses by Immigrations and Customs Enforcement (ICE) and Customs and Border Protection (CBP) Detroit offices, which have jurisdiction over both Michigan and Ohio. Though the abuse is generally worse in and around Detroit, we have received reports of serious problems throughout this jurisdiction.

Below are highlights from the latest cases we have gathered, and they demonstrate a worrisome pattern. The management of these offices seem unwilling or unable to control the actions of their field officers, leading to a pattern of infringement on 4th Amendment rights and internal civil rights policies.

We were certainly encouraged by the personal attention of ICE Director Morton to these problems, particularly the ICE enforcement actions at Hope of Detroit Academy. However, despite the promise of a 30-day review, it has been nearly three months since our meeting. In fact, Congressmen Conyers and Clarke had to intervene personally, leading public hearings and demonstrations in Detroit last week, before Director Morton's office contacted us to schedule a briefing on the report. Yet, some victims still remain to be interviewed by ICE OPR. We anxiously await the results of the investigation, and hope that it will lead to the accountability our community requires.

In the meantime, we have documented a dramatic increase in profiling and abuse by CBP. Startlingly, CBP seems to be targeting a local social service agency (Latino Family Services) for enforcement actions. Though CBP lacks the "sensitive community locations" policy of ICE, surely this is beyond the pale. Additionally, our partner organization, the Council on American Islamic Relations – Michigan, has documented a widespread pattern of profiling and harassment of Muslims at the Detroit/Windsor crossing.

These issues have contributed to an atmosphere of fear and intimidation in Metro-Detroit. Trust between immigrant communities and law enforcement is breaking down. This is particularly worrisome in a time when community cooperation is so important to our national security. The latest cases are as follows:

Non Responsive

Pontiac, MI: US Citizen Handcuffed, Detained in Own Home

One morning in January 2011, at her home in (b)(6) (b)(6) heard a knock on her door and opened it. ICE agents burst through the door, and held what they claimed was a warrant in her face. She was unable to verify what the document said. Agents demanded to know the whereabouts of (b)(6) and Ms. (b)(6) told them that he did not live with her.

Agents then handcuffed Ms. (b)(6). Ms. (b)(6) demanded to know why she was being handcuffed, and agents responded, "Because you're illegal." (b)(6) protested that she was a US Citizen. The agents laughed and refused to believe her. She argued with the agents for 20 minutes until she was able to direct them to her passport. After the agents scanned the passport, Ms. (b)(6) was released and the agents departed, warning that they would be back for Mr. (b)(6).

Non Responsive

Cincinnati, OH: Immigrant Shoved Through Wall

On the afternoon of February 12, 2011, a Cincinnati family was at home when they heard what the mother, (b)(6) described as a "soft, childlike knock on the door." When they answered the door, immigration agents burst in, and proceeded to search the apartment aggressively. They did not show the family a warrant, but did show a picture of an unfamiliar Latino man. The agents man-handled (b)(6) husband without provocation, and shoved the man against the wall so hard that he broke through the drywall. The Detroit ICE office has jurisdiction over Ohio.

Detroit, MI: ICE Illegally Searched Home, Failed to Provide Proper Medical Care to Pregnant Woman

On March 23, 2011, (b)(6) returned to his home to find ICE agents outside. They asked for his brother, and (b)(6) told him that he did not live with him. The agents asked to perform a search, and (b)(6) denied them permission asked to see a warrant. The agents only showed (b)(6) a badge, and (b)(6) reiterated that they did not have permission to enter his home. They entered anyway, and found his wife, (b)(6) who was six months pregnant at the time. ICE detained Ms. (b)(6) separating her from her husband and three U.S. citizen children. When Mr. (b)(6) came to the Rosa

Parks ICE facility to bring his wife her medication, ICE agents refused to give Ms. (b)(6) the medicine. Ms. (b)(6) was also denied appropriate access to doctors and nutritious food while in immigration jail.

Non Responsive

Detroit, MI: ICE Agent Used Child as Bait

On April 4, 2011, 15 year-old (b)(6) was outside his home when a law enforcement officer approached him. The officer told the boy that he was with the Detroit Police Department and needed to speak to his father about a traffic ticket. The agent asked (b)(6) to get his father to discuss the matter. (b)(6) complied, and asked his father to come out to speak with the agents. As soon as he exited the home, (b)(6) Father, (b)(6) was immediately detained and arrested. (b)(6) noticed at this point that the officer had a badge that said "ICE." (b)(6) was shoved inside the home by the officer and denied the ability to translate for his father. ICE then demanded that (b)(6) bring his mother outside so they could arrest her. He refused to do so, and ICE left with (b)(6) father after making numerous threats.

Non Responsive

Wixom, MI: ICE Illegally Searched Home, Interrogated U.S. Citizen

On April 7, 2011, ICE agents detained (b)(6) outside his home. Although he did not give the officers consent to enter the house, they did so anyway. There they found U.S. citizen (b)(6) who was sleeping. (b)(6) asked what they were doing there and whether they had a warrant. Officers did not show (b)(6) a warrant, but instead demanded to see his identification. Officers left, with (b)(6) in custody, after (b)(6) claimed he was a US Citizen.

February, 2011, Grand Rapids: ICE Arrests and Assaults USC and LPR

(This case is currently the subject of a Freedom of Information Act request by the American Civil Liberties Union – Michigan)

In February, (b)(6) who has lived in the United States for almost 22 years, and her son, (b)(6) a college student at Grand Rapids Community College who was born in the U.S., drove to the home of relatives to allow their 6-year-old cousin to play with (b)(6) new puppy. As they pulled the car into the driveway, unidentified ICE agents ran toward them. An agent pointed a gun at (b)(6) and ordered him to show ID. Both (b)(6)

produced their valid driver's license and ICE agents demanded that they get out of the car.

(b)(6) was handcuffed and escorted to the back of the car where an agent held a gun to her back and repeatedly banged her head into the trunk of the car yelling at her to admit she was (b)(6) screamed out in pain and fear. (b)(6) was handcuffed, and both (b)(6) were escorted into an apartment where they were interrogated.

Again, thank you for your support and concern. We trust that you will bring these issues to the attention of the appropriate officials within DHS. If you have any questions, I can be reached at (313) (b)(6)

Sincerely,

(b)(6)

Interational Union, UAW

(b)(6)

From: (b)(6)
To: CRCL
Subject: FW: Task Request: S1 Correspondence UAW, (b)(6) re: Alleged CBP, ICE Civil Rights Violations (WF #915306) - DUE 7/28
Date: Tuesday, July 26, 2011 3:25:35 PM
Attachments: 7-13-2011 (b)(6) UAW letter to DHS re ICE and CBP in Detroit.pdf
7-13-2011 UAW letter to DHS re ICE and CBP in Detroit (marked with CRCL notes from JICMS research 7-21-2011).pdf
Detroit AIR Allegations and Findings ICE ERO 07 08 11.docx

From: (b)(6)
Sent: Tuesday, July 26, 2011 3:23 PM
To: (b)(6)
Subject: FW: Task Request: S1 Correspondence UAW, (b)(6) re: Alleged CBP, ICE Civil Rights Violations (WF #915306) - DUE 7/28

Please log in the UAW letter to S1 (assigned as a tasker to CRCL for component response) as a new Contact. It deals with ICE and CBP operations in the Detroit, Michigan area. Issues include profiling and conditions of detention.

Compliance is considering how to handle the complaints raised in the letter. Most likely, there will be separately numbered complaints involving ICE and CBP, and not necessarily all the listed incidents will be opened as a complaints. I'll keep you posted.

P.S. We have a recently opened complaint that's based on the news article about CBP profiling in the Detroit area. (b)(5)

Attached FYI are the following:

- UAW's 7/13/2011 letter to S1 regarding alleged civil rights violations by ICE and CBP in the Detroit area
- the same UAW 7/13/2011 letter, including (b)(6), (b)(7)(C) handwritten notes with (b)(5)
- ICE ERO document setting forth Alliance for Immigrant Rights and Reform Michigan (AIR)'s allegations and ICE OPR findings . (This was sent separately to Margo by ICE. I'll forward you an email forwarding that)
The allegations were reported to ICE OPR and DHS OIG in a letter from Rep. John Conyers in April 2011. CRCL did not receive a copy of that Conyers letter from other DHS sources or from outside sources.
Separately, I'll forward that copy to the CRCL account. (b)(6), (b)(7) found a copy in JICMS.

Thanks,

(b)(6)

From: Blumberg, Jeffrey
Sent: Friday, July 22, 2011 9:47 AM
To: (b)(6)

Subject: FW: Task Request: S1 Correspondence UAW/(b)(6) re: Alleged CBP, ICE Civil Rights Violations (WF #915306) - DUE 7/28

From: (b)(6) [mailto:(b)(6)@dhs.gov] **On Behalf Of** CRCL Exec Sec
Sent: Monday, July 18, 2011 1:05 PM
To: Blumberg, Jeffrey; (b)(6) Kessler, Tamara; Gersten, David
Subject: Task Request: S1 Correspondence UAW/(b)(6) re: Alleged CBP, ICE Civil Rights Violations (WF #915306) - DUE 7/28

Subject: S1 Correspondence UAW/(b)(6) re: Alleged CBP, ICE Civil Rights Violations (WF #915306) - DUE 7/28

Due Date: Thursday, July 28, 2011

Status: Not Started

Percent Complete: 0%

Total Work: 0 hours

Actual Work: 0 hours

Owner: (b)(6)@dhs.gov; (b)(6)
'Kessler, Tamara'; Gersten, David

Lead: Compliance
Cc: Tamara, Margo

(b)(6)

-----Original Message-----

From: (b)(6)@dhs.gov
Sent: Monday, July 18, 2011 12:16 PM
To: CRCL Exec Sec
Subject: Workflow Routing Alert (Contact 915306) (Intranet Quorum IMA003075127)

User (b)(6) has queued the following Workflow for (b)(6) People ID #7361778, to you and others with the Routing Note:

CRCL: Please have your Component Head reply direct and cc ESEC by 8/1/2011. Thank you.

<https://IQ.dhs.gov/iq/workflowhome.aspx?showfolder=workflow&showcontent=ID915306&iAccount=IQ>

201107902
ICE-OPR
COC-~~WPA~~

Duplicate

Non Responsive

Duplicate

Duplicate

Non Responsive

Duplicate

201107632
ICE-OPR
Closed

201108975
ICE OPR
Case -
currently
open.

From: (b)(6)
To: CRCL
Subject: FW: relating to UAW letter
Date: Tuesday, July 26, 2011 3:24:54 PM
Attachments: Conyers Letter.pdf

Rep. Conyers letter -- This doc should be considered supplemental background information to the UAW letter.

(b)(5),(b)(6),(b)(7)(C)

Thanks,

(b)(6)

202-357-(b)(6)

(b)(6)@hq.dhs.gov

From: (b)(6)
Sent: Monday, July 25, 2011 2:27 PM
To: (b)(6)
Subject:

FYI -

(b)(6)

Deputy Director Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Tel (202) 357-(b)(6)

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.



Homeland
Security

July 29, 2011

(b)(6)

International Union
United Automobile, Aerospace & Agricultural Implement Workers of America
8000 East Jefferson Avenue
Detroit, Michigan 48214

Dear Ms. (b)(6)

Thank you for your July 13, 2011 letter to Secretary of Homeland Security Janet Napolitano, concerning a large number of alleged civil rights violations, in Michigan and Ohio, by U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) personnel. The Secretary has asked me to respond.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the DHS Office for Civil Rights and Civil Liberties (CRCL) reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security. For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

As you know, a number of the incidents you mention had already been brought to DHS's attention, and ICE's Office of Professional Responsibility has, in fact, just completed its inquiry into the existence of personnel misconduct for several of them; CRCL will be reviewing ICE's investigative reports and considering whether the incidents in question suggest the need for any changes to policy or policy implementation. For others, your letter provides the first information CRCL has received about the allegations. We are, accordingly, reviewing the issues raised.

A member of my staff will contact you once our review is complete. If you have additional information you wish to send to us, please submit the information by e-mail to crcl@dhs.gov, by facsimile to 202-401-4708, or by standard mail to the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

Thank you again for your letter. Communications like yours provide essential assistance in CRCL's role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. Please do not hesitate to contact me if I can be of further assistance to you.

Sincerely,

A handwritten signature in black ink that reads "Margo Schlanger". The script is fluid and cursive, with the first name "Margo" and last name "Schlanger" clearly legible.

Margo Schlanger
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



Homeland
Security

November 22, 2011

(b)(6)

International Union, UAW
8000 East Jefferson Avenue
Detroit, MI 48214

Re: Complaint No. 11-10-ICE-0287

(b)(6)

Dear Ms. (b)(6)

This letter is a follow-up to the letter the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on July 18, 2011, regarding DHS operations in the Detroit area. In particular, I am writing about the allegations in your letter related to (b)(6). Specifically, you alleged that agents of U.S. Immigrations and Customs Enforcement (ICE) entered the home of Ms. (b)(6) who is a U.S. citizen, with what they claimed was a warrant, handcuffed her, and detained her until the agents confirmed that she is a U.S. citizen. You alleged that ICE agents entered Ms. (b)(6) apartment without authorization and in search of a man she and her husband did not know, searched the apartment, arrested her husband, and pushed her husband hard enough against a wall during his arrest that her husband broke through the drywall. Finally, you alleged that ICE agents detained a relative of Mr. (b)(6) who is a U.S. citizen, outside Mr. (b)(6) home, entered the home without authorization where they encountered Mr. (b)(6) demanded to see Mr. (b)(6) identification, and left only after learning he is a U.S. citizen.

In a letter sent to you on July 29, 2011, CRCL informed you that, pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, we would review the information you submitted, as well as any information available from ICE about its inquiries into these matters, and determine whether the incidents suggest the need for any changes to policy or policy implementation. ICE's Office of Professional Responsibility (OPR) investigated each of these incidents and forwarded its Reports of Investigation (ROIs) to CRCL. As part of its investigations, ICE OPR interviewed witnesses and reviewed documents and information related to the incidents. CRCL received the conclusions contained in the final ROIs and concurred in the findings. The ICE ROIs reached the conclusions described below.

Regarding the allegations relating to Ms. (b)(6) OPR made several attempts through her attorney to contact Ms. (b)(6) and schedule an interview but ultimately was not successful. Through other investigative steps, ICE determined that its agents were not involved in the incident described in your letter and referred the matter to the Office of the Inspector General at the U.S. Department of Justice for its review. Regarding the allegations relating to Ms. (b)(6) the evidence gathered by OPR did not substantiate the allegations against the ICE agents. Finally, regarding the allegations relating to Mr. (b)(6) the evidence gathered by OPR did not substantiate the allegations against the ICE agents, and OPR learned that Mr. (b)(6) did not have any complaint with the behavior of the agents.

Accordingly, based on our review of the facts and circumstances presented in this matter, we have concluded that your concerns have been addressed and we are closing the complaint that contains these three allegations. Nevertheless, CRCL has a separate investigation open that is examining ICE's policies regarding agents obtaining consent to conduct a search. As we complete the other investigation, we will take account of these three incidents and incorporate information about them as appropriate when we formulate our report and recommendations to ICE about any issues we find in that investigation. Also, please note that CRCL will still be in contact with you about the remaining unresolved allegations included in your letter.

We appreciate your bringing these matters to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-1090 11-10-ICE-0287 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-08-23 12:20	Create	Component Referenced	ICE	7866	(b)(6)	User Change
DhsComplaint	2011-08-23 12:20	Create	Summary	(b)(5) Contact-DHS-11-1034 is the July 13, 2011 letter from (b)(6) International Union, United Automobile, Aerospace & Agricultural Implement Workers of America - UAW, to Secretary Janet Napolitano, regarding alleged	7866	(b)(6)	User Change
DhsComplaint	2011-08-23 12:20	Create	Executive Summary	(b)(5) Contact-DHS-11-1034 is the July 13, 2011 letter from (b)(6) International Union, United Automobile, Aerospace & Agricultural Implement Workers of America - UAW, to Secretary Janet Napolitano, regarding alleged	7866	(b)(6)	User Change
DhsComplaint	2011-08-23 12:20	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7866	(b)(6)	User Change
DhsComplaint	2011-08-23 12:20	Create	Days to Process	36	7866	(b)(6)	User Change
DhsComplaint	2011-08-23 12:20	Create	Date Due to Exec Sec	07/28/2011	7866	(b)(6)	User Change
DhsComplaint	2011-08-23 12:20	Create	Date to Exec Sec	07/18/2011	7866	(b)(6)	User Change
DhsComplaint	2011-08-23 12:20	Create	Date to CRCL	07/18/2011	7866	(b)(6)	User Change
DhsComplaint	2011-08-23 12:20	Create	Date to DHS	07/13/2011	7866	(b)(6)	User Change
DhsComplaint	2011-08-23 12:20	Create	Date on Correspondence	07/13/2011	7866	(b)(6)	User Change
DhsComplaint	2011-08-23 12:20	Create	Control Number	915306	7866	(b)(6)	User Change

DhsComplaint	2011-08-23 12:20	Create	Sender Type	Exec Sec		7866	(b)(6)	User Change
DhsComplaint	2011-08-23 12:20	Create	Method of Receipt	Email		7866		User Change
DhsComplaint	2011-08-23 12:20	Create	Entry Date	08/23/2011		7866		User Change
DhsComplaintAction	2014-09-26 10:40	Create	Action	Closed - Linked		116701		User Change
DhsComplaintAction	2014-09-26 10:40	Create	Internal Summary	see complaint 11-10-ICE-0287		116701		User Change
DhsComplaintAction	2014-09-26 10:40	Create	Action Date	09/26/2014		116701		User Change
DhsComplaintAction	2014-09-26 10:40	Create	Reporting Summary	see complaint 11-10-ICE-0287		116701		User Change
DhsComplaintAction	2014-09-26 10:40	Create	Document	Contact-DHS-11-1090 CRCL Close Letter Complaint No. 11-10-ICE-0287.pdf		116701		User Change
DhsComplaintAction	2014-09-26 10:40	Create	Comments	closed due to linked complaint 11-10-ICE-0287 being closed.		116701		User Change
DhsComplaintDocument	2011-08-23 12:26	Create	Document 2	7 25 2011 (b)(6) Rep. Conyers Letter.pdf		84896		User Change
DhsComplaintDocument	2011-08-23 12:26	Create	Foreign Language No			84896		User Change
DhsComplaintDocument	2011-08-23 12:26	Create	Dateentered	08/23/2011		84896		User Change
DhsComplaintDocument	2011-08-23 12:26	Create	Document Type	Incoming Letter		84896		User Change
DhsComplaintDocument	2011-08-23 12:26	Create	Document 1	7 18 2011 (b)(6) pdf		84896		User Change
DhsComplaintDocument	2011-08-23 12:26	Create	Document 3	7 18 2011 (b)(6) supplemental-ICE OPR review findings.pdf		84896		User Change
DhsComplaintDocument	2011-08-23 12:26	Create	Document 3	7 18 2011 (b)(6) supplemental-ICE OPR review findings.pdf		84896		User

	12:26						(b)(6)		Change
DhsComplaintDocument	2011-11-22 13:22	Create	Foreign Language	No				85582	User Change
DhsComplaintDocument	2011-11-22 13:22	Create	Document 1	CRCL Close Letter Complaint No. 11-10-ICE-0287.pdf				85582	User Change
DhsComplaintDocument	2011-11-22 13:22	Create	Document Type	Closed Letter				85582	User Change
DhsComplaintDocument	2011-11-22 13:22	Create	Dateentered	11/22/2011				85582	User Change
DhsComplaintDocument	2011-08-23 12:31	Create	Foreign Language	No				84897	User Change
DhsComplaintDocument	2011-08-23 12:31	Create	Dateentered	08/23/2011				84897	User Change
DhsComplaintDocument	2011-08-23 12:31	Create	Document Type	Acknowledgement Letter				84897	User Change
DhsComplaintDocument	2011-08-23 12:31	Create	Document 1	7 29 2011 915306 DHS CRCL letter to (b)(6) of UAW Detroit.pdf				84897	User Change
DhsComplaintIssue	2011-08-23 12:33	Create	Ongoing	No				13120	User Change
DhsComplaintIssue	2011-08-23 12:33	Create	Situation	DHS law enforcement activity				13120	User Change
DhsComplaintIssue	2011-08-23 12:33	Create	Incident Location Type	Residence				13120	User Change
DhsComplaintIssue	2011-08-23 12:33	Create	Redirect to Subject	No				13120	User Change
DhsComplaintIssue	2011-08-23 12:33	Create	(b)(5)	(b)(5)				13120	User Change
DhsComplaintIssue	2011-08-23 12:33	Create	Primary Issue	No				13120	User Change
	2011-								

DhsComplaintIssue	08-23 12:32	Create	State	Ohio - OH	13119	(b)(6)	User Change
DhsComplaintIssue	2011- 08-23 12:32	Create	Ongoing	No	13119		User Change
DhsComplaintIssue	2011- 08-23 12:32	Create	Situation	DHS law enforcement activity	13119		User Change
DhsComplaintIssue	2011- 08-23 12:32	Create	Incident Location Type	Residence	13119		User Change
DhsComplaintIssue	2011- 08-23 12:32	Create	Incident Date	02/12/2011	13119		User Change
DhsComplaintIssue	2011- 08-23 12:32	Create	Redirect to Subject	No	13119		User Change
DhsComplaintIssue	2011- 08-23 12:32	Create	City	Cincinnati	13119		User Change
DhsComplaintIssue	2011- 08-23 12:32	Create	(b)(5)	(b)(5)	13119		User Change
DhsComplaintIssue	2011- 08-23 12:32	Create	Primary Issue	Yes	13119		User Change
DhsComplaintPartiesInvolved	2011- 08-23 12:46	Update	Prefix	Mrs	22171		User Change
DhsComplaintPartiesInvolved	2011- 08-23 12:46	Update	Last Name	(b)(6)	22171		User Change
DhsComplaintPartiesInvolved	2011- 08-23 12:46	Update	First Name		22171		User Change
DhsComplaintPartiesInvolved	2011- 08-23 12:30	Create	Prefix	Mr	22171		User Change
DhsComplaintPartiesInvolved	2011- 08-23 12:30	Create	Last Name	(b)(6)	22171		User Change
DhsComplaintPartiesInvolved	2011- 08-23 12:30	Create	Contact Type	On Behalf Of	22171		User Change

DhsComplaintPartiesInvolved	2011-08-23 12:30	Create	First Name	(b)(6)		22171	User Change
DhsComplaintPartiesInvolved	2011-08-23 12:29	Create	Prefix	Mrs		22170	User Change
DhsComplaintPartiesInvolved	2011-08-23 12:29	Create	Zip Code	48214		22170	User Change
DhsComplaintPartiesInvolved	2011-08-23 12:29	Create	Phone	313 (b)(6)		22170	User Change
DhsComplaintPartiesInvolved	2011-08-23 12:29	Create	Other Organization	UAW		22170	User Change
DhsComplaintPartiesInvolved	2011-08-23 12:29	Create	Organization	Other		22170	User Change
DhsComplaintPartiesInvolved	2011-08-23 12:29	Create	Address Line 1	8000 East Jefferson Ave.		22170	User Change
DhsComplaintPartiesInvolved	2011-08-23 12:29	Create	State	Michigan - MI		22170	User Change
DhsComplaintPartiesInvolved	2011-08-23 12:29	Create	City	Detroit		22170	User Change
DhsComplaintPartiesInvolved	2011-08-23 12:29	Create	Last Name	(b)(6)		22170	User Change
DhsComplaintPartiesInvolved	2011-08-23 12:29	Create	Contact Type	Sender		22170	User Change
DhsComplaintPartiesInvolved	2011-08-23 12:29	Create	First Name	(b)(6)		22170	User Change

From: (b)(6),(b)(7)(C)
To: CRCL; (b)(6)
Subject: FW: UAW letter alleging CR violations
Date: Thursday, July 21, 2011 4:35:47 PM
Attachments: 11-3201 (b)(6) 07.13.11.pdf

As discussed

From: (b)(6),(b)(7)(C) @dhs.gov]
Sent: Tuesday, July 19, 2011 4:11 PM
To: (b)(6),(b)(7)(C)
Subject: FW: UAW letter alleging CR violations

(b)(6),(b)(7)(C) Special Agent
CBP Internal Affairs
Investigative Operations Division
202- (b)(6),(b)(7)(C)

From: Blumberg, Jeffrey [mailto:(b)(6) @dhs.gov]
Sent: Tuesday, July 19, 2011 4:04 PM
To: (b)(6) (b)(6),(b)(7)(C)
Subject: FW: UAW letter alleging CR violations

FYI

From: Schlanger, Margo
Sent: Monday, July 18, 2011 12:16 PM
To: Blumberg, Jeffrey; Kessler, Tamara
Subject: FW: UAW letter alleging CR violations

FYI. Let's discuss tomorrow.

Margo Schlanger
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357- (b)(6)
(b)(6) @dhs.gov
<http://www.dhs.gov/crcl>



**Homeland
Security**

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-1091 11-10-ICE-0287 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-08-23 12:34	Create	Component Referenced	ICE	7867	(b)(6)	User Change
DhsComplaint	2011-08-23 12:34	Create	Summary	(b)(5) Contact-DHS-11-1034 is the July 13, 2011 letter from (b)(6) International Union, United Automobile, Aerospace & Agricultural Implement Workers of America - UAW, to Secretary Janet Napolitano, regarding alleged	7867	(b)(6)	User Change
DhsComplaint	2011-08-23 12:34	Create	Executive Summary	(b)(6) Contact-DHS-11-1034 is the July 13, 2011 letter from (b)(6) International Union, United Automobile, Aerospace & Agricultural Implement Workers of America - UAW, to Secretary Janet Napolitano, regarding alleged civil rights violatio	7867	(b)(6)	User Change
DhsComplaint	2011-08-23 12:34	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7867	(b)(6)	User Change
DhsComplaint	2011-08-23 12:34	Create	Days to Process	36	7867	(b)(6)	User Change
DhsComplaint	2011-08-23 12:34	Create	Date Due to Exec Sec	07/28/2011	7867	(b)(6)	User Change
DhsComplaint	2011-08-23 12:34	Create	Date to Exec Sec	07/18/2011	7867	(b)(6)	User Change
DhsComplaint	2011-08-23 12:34	Create	Date to CRCL	07/18/2011	7867	(b)(6)	User Change
DhsComplaint	2011-08-23 12:34	Create	Date to DHS	07/13/2011	7867	(b)(6)	User Change
DhsComplaint	2011-08-23 12:34	Create	Date on Correspondence	07/13/2011	7867	(b)(6)	User Change
DhsComplaint	2011-08-23 12:34	Create	Control Number	915306	7867	(b)(6)	User Change
DhsComplaint	2011-08-23 12:34	Create			7867	(b)(6)	User Change

DhsComplaint	08-23 12:34	Create	Sender Type	Exec Sec	(b)(6)	7867	User Change
DhsComplaint	2011- 08-23 12:34	Create	Method of Receipt Email			7867	User Change
DhsComplaint	2011- 08-23 12:34	Create	Entry Date	08/23/2011		7867	User Change
DhsComplaintAction	2014- 09-26 10:59	Create	Action	Closed - Linked		116702	User Change
DhsComplaintAction	2014- 09-26 10:59	Create	Internal Summary	SEE CLOSED COMPLAINT 11-10-ICE-0287		116702	User Change
DhsComplaintAction	2014- 09-26 10:59	Create	Action Date	09/26/2014		116702	User Change
DhsComplaintAction	2014- 09-26 10:59	Create	Reporting Summary	SEE CLOSED COMPLAINT 11-10-ICE-0287		116702	User Change
DhsComplaintAction	2014- 09-26 10:59	Create	Document	CRCL Close Letter Complaint No. 11-10-ICE-0287.pdf		116702	User Change
DhsComplaintDocument	2011- 08-23 12:39	Create	Document 2	7 25 2011 (b)(6) Rep. Conyers Letter.pdf		84898	User Change
DhsComplaintDocument	2011- 08-23 12:39	Create	Foreign Language	No		84898	User Change
DhsComplaintDocument	2011- 08-23 12:39	Create	Dateentered	08/23/2011		84898	User Change
DhsComplaintDocument	2011- 08-23 12:39	Create	Document Type	Incoming Letter		84898	User Change
DhsComplaintDocument	2011- 08-23 12:39	Create	Document 1	7 18 2011 (b)(6).pdf		84898	User Change
DhsComplaintDocument	2011- 08-23 12:39	Create	Document 3	7 18 2011 (b)(6) supplemental-ICE OPR review findings.pdf		84898	User Change
DhsComplaintDocument	2011- 11-22 13:23	Create	Foreign Language	No		85583	User Change

DhsComplaintDocument	2011-11-22 13:23	Create	Document 1	CRCL Close Letter Complaint No. 11-10-ICE-0287.pdf	85583	(b)(6)	User Change
DhsComplaintDocument	2011-11-22 13:23	Create	Document Type	Closed Letter	85583		User Change
DhsComplaintDocument	2011-11-22 13:23	Create	Dateentered	11/22/2011	85583		User Change
DhsComplaintDocument	2011-08-23 12:50	Create	Foreign Language	No	84899		User Change
DhsComplaintDocument	2011-08-23 12:50	Create	Dateentered	08/23/2011	84899		User Change
DhsComplaintDocument	2011-08-23 12:50	Create	Document Type	Acknowledgement Letter	84899		User Change
DhsComplaintDocument	2011-08-23 12:50	Create	Document 1	7 29 2011 915306 DHS CRCL letter to (b)(6) of UAW Detroit.pdf	84899		User Change
DhsComplaintIssue	2011-08-23 12:48	Create	Ongoing	No	13122		User Change
DhsComplaintIssue	2011-08-23 12:48	Create	Situation	DHS law enforcement activity	13122		User Change
DhsComplaintIssue	2011-08-23 12:48	Create	Incident Location Type	Residence	13122		User Change
DhsComplaintIssue	2011-08-23 12:48	Create	Redirect to Subject	No	13122		User Change
DhsComplaintIssue	2011-08-23 12:48	Create	(b)(5)	(b)(5)	13122		User Change
DhsComplaintIssue	2011-08-23 12:48	Create	Primary Issue	No	13122		User Change
DhsComplaintIssue	2011-08-23 12:47	Create	State	Michigan - MI	13121		User Change
DhsComplaintIssue	2011-08-23	Create	Ongoing	No	13121		User

	12:47		Create	Situation	DHS law enforcement activity		13121	Change User Change
DhsComplaintIssue	2011-08-23 12:47		Create	Incident Location Type	Residence		13121	Change User Change
DhsComplaintIssue	2011-08-23 12:47		Create	Incident Date	04/07/2011		13121	Change User Change
DhsComplaintIssue	2011-08-23 12:47		Create	Redirect to Subject	No		13121	Change User Change
DhsComplaintIssue	2011-08-23 12:47		Create	City	Wixom		13121	Change User Change
DhsComplaintIssue	2011-08-23 12:47		Create	(b)(5)	(b)(5)		13121	Change User Change
DhsComplaintIssue	2011-08-23 12:47		Create	Primary Issue	Yes		13121	Change User Change
DhsComplaintPartiesInvolved	2011-08-23 12:46		Create	Prefix	Mr		22173	Change User Change
DhsComplaintPartiesInvolved	2011-08-23 12:46		Create	Last Name	(b)(6)		22173	Change User Change
DhsComplaintPartiesInvolved	2011-08-23 12:46		Create	Contact Type	On Behalf Of		22173	Change User Change
DhsComplaintPartiesInvolved	2011-08-23 12:46		Create	First Name	(b)(6)		22173	Change User Change
DhsComplaintPartiesInvolved	2011-08-23 12:44		Create	Prefix	Mrs		22172	Change User Change
DhsComplaintPartiesInvolved	2011-08-23 12:44		Create	Zip Code	48214		22172	Change User Change
DhsComplaintPartiesInvolved	2011-08-23 12:44		Create	Phone	313 (b)(6)		22172	Change User Change
	2011-							

DhsComplaintPartiesInvolved	08-23 12:44	Create	Other Organization	UAW		(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 08-23 12:44	Create	Organization	Other			User Change
DhsComplaintPartiesInvolved	2011- 08-23 12:44	Create	Address Line 1	8000 East Jefferson Ave.			User Change
DhsComplaintPartiesInvolved	2011- 08-23 12:44	Create	State	Michigan - MI			User Change
DhsComplaintPartiesInvolved	2011- 08-23 12:44	Create	City	Detroit			User Change
DhsComplaintPartiesInvolved	2011- 08-23 12:44	Create	Last Name	(b)(6)			User Change
DhsComplaintPartiesInvolved	2011- 08-23 12:44	Create	Contact Type	Sender			User Change
DhsComplaintPartiesInvolved	2011- 08-23 12:44	Create	First Name	(b)(6)			User Change

From: (b)(6)
To: CRCL
Subject: Civil rights/civil liberties violations by (b)(6),(b)(7)(C) and two others for withholding my family International Passports
Date: Monday, August 15, 2011 2:42:53 PM
Attachments: Civil Rights Complaint form Page 1. 08.15.2011.jpg
Civil Rights Complaint form Page 2. 08.15.2011.jpg
Civil Rights Complaint form Page 3. 08.15.2011.bmp
Civil Rights Complaint form Page 4. 08.15.2011.jpg
Civil Rights Complaint form Page 5. 08.15.2011.jpg

Dear Sir/Madam,

Accept my hearty greetings.

I write to submit the attached Civil Rights Complaint forms Pages 1-5 (one to five). It became necessary after all efforts to get the Immigrations and Customs Enforcement (ICE) officers who came to my house to collect the said passports have refused to return the two International German Passports they collected from me in my house which belong to my wife and son, which I have approached this matter since 2009 waiting for them to invite my family to return the said documents but all proved abortive. They never invited my family as claimed on the day they took them on June 17, 2009 they collected them.

Different immigrations lawyers have stepped into this matter eg. Attorneys (b)(6) (b)(6) etc. have tried to get it , including my present Immigration lawyer (b)(6) but Agent (b)(6),(b)(7)(C) and his two friends whom he refused to give their names still refuse to release the said two European Passports. I do not understand why they are treating us in this manner perhaps because we are not American citizens or we are blacks and German Citizens. Whatever it is, I cannot understand but I know that this is violation of our human rights and I plead with you to help us in this matter.

Sincerely,

(b)(6)

Living Water Foundation Ministries (LWFM) Inc.USA
Living Water Foundation Inc. Worldwide
P.O.Box 6134
Norfolk VA 23508 USA

Direct Line: +1-757- (b)(6)
Tel: +1-757- (b)(6)
E-Mails: (b)(6)

Websites:

www.livingwaterfoundationministries.org
[www.facebook.com/\(b\)\(6\)](http://www.facebook.com/(b)(6))
www.livingwaterfoundation.com



Department of Homeland Security (DHS)
Office for Civil Rights and Civil Liberties

Civil Rights Complaint

Fillable Version (last modified 3/15/2011)

The purpose of this form is to assist you in filing a civil rights/civil liberties complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding DHS programs and activities. This form is not intended to be used for complaints about employment with DHS. You are not required to use this form to file a complaint; a letter with the same information is sufficient. However, if you file a complaint by letter, you should include the same information that is requested in the form.

CRCL Mission:

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.

In connection with a DHS program, activity, or policy, have you experienced;

- Discrimination based on your race, ethnicity, national origin (including language proficiency), religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see www.dhs.gov/eeo.)
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency?
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women Act's confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?

Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① Information about the person who experienced the civil rights/civil liberties violation

(fill in what you can)

Name: (b)(6) (b)(6) (b)(6)

First and Middle

Last

Phone #: Cell: 757 (b)(6) Home: 757 (b)(6) Work: _____

Please note that we may contact you at the provided numbers.

Mailing Address: (b)(6) Norfolk VA 23508

PO Box or Street address

City

State

Zip

Date of Birth: (b)(6) Email (optional): (b)(6)

Alien Registration #. (if you have one and it's available) (b)(6)

☐ Check here if you are in detention now.

Which facility? _____

Facility name

Facility address

☒ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information (b)(6) Virginia Beach, VA 23464

② Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.

Name: (b)(6)

First

Last

Job title

Organization (if any): Living Water Foundation Ministries Inc.

Phone #: Cell: 757 (b)(6) Home: 757 (b)(6) Work: 757 (b)(6)

Mailing Address: P. O. Box 6134 Norfolk VA 23508

PO Box or Street address

City

State

Zip

③ What happened? Describe your complaint. Give as much detail about your experience as possible.

I hereby apply for the return of my family documents that were collected by the immigrations enforcement officers on June 17th 2009 which has not been returned till date, and one of the officers Agent (b)(6);(b)(7)(C) denied having it:

1. My German European Passport No. (b)(6)
2. My German European Citizens National Identity Card No. (b)(6)
3. My I-94 Card
4. My Virginia Drivers License
5. My Wife (b)(6) German Passport No: (b)(6)
6. My Son (b)(6) German Passport No: (b)(6)

On that date 06/17/2009 at about 1:10 PM three immigrations enforcement agents knocked at the door of my residence at (b)(6) Norfolk VA 23508, and I opened the door because I have not done anything wrong. The came in and said they are coming to arrest me, and I asked them what have I done they said they cannot explain until we get to their office, they immediately handcuffed me and asked for my International Passport, I asked them to remove the handcuff so that I can get the passport, they said that I have to show them where it is so that they can take it themselves, then I pointed at my hand bag where they were and inside there were all that were listed from 1-6 above and they took all. I questioned why they should take that of my wife and son, and they said because we are family. Then I said that they are not in the house now and the visas are still valid and five years till 2011 and 2012. Then they said they will invite my family in the office later and interview them before returning it which was not done.

Continue on an additional page, if needed.

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

In the light of the above facts the incidence took place on June 17, 2009. This problem began that day and has lingered on till date. When I appeared for the first hearing at the Immigration Court at Arlington Virginia on May 18th 2010 the Immigration Judge asked them to release all our documents including that of my wife and son, I was referred to the records office in Arlington, it was there that the Duty Attorney told me that when I have an Attorney he/she can apply for the return of our documents but he said that only my documents are with them and he showed it to me, but said that my family has no case to answer with them, and that their documents are still at Norfolk with those that came to my house, that I should ask my Attorney to request for its return immediately. Here is the address given to me by the duty Attorney on instruction of the Judge for the return of all the said documents below:

DHS 2675 Prosperity Avenue, Fairfax VA 22031 Tel: 703-285-6000

My Attorney wrote for the documents to be returned but only my documents as listed from 1-4 above was sent back, then he called Norfolk Immigrations Enforcement officer and She was referred to Agent (b)(6),(b)(7)(C) whom my Attorney has spoken to, I have spoken to and my wife also but he refused to release the two passports remaining, the reason I do not know. And he also refused to mention the two other officers that came with him to my house.

Where did this happen?

Place (for example, name the detention facility, airport, other): My House (b)(6)
City: Norfolk State or Country: Virginia

④ Who treated you unfairly?

An employee, contractor, or officer of (check as many as apply):

- | | |
|---|---|
| ☐ Citizenship and Immigration Services (USCIS) | ☐ Not sure which DHS office |
| ☐ Customs and Border Protection (CBP)* | ☐ Non-DHS employee working under the authority of DHS (e.g., 287g officer) |
| ☐ Customs Officer | specify: _____ |
| ☐ Border Patrol Agent | |
| ☐ Federal Emergency Management Agency (FEMA) | |
| ☒ Immigration and Customs Enforcement (ICE) | |
| ☐ Secret Service (USSS) | |
| ☐ Transportation Security Administration (TSA)* | |
| ☐ U.S. Coast Guard (USCG) | |
| ☐ Other DHS program (specify): _____ | |

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): Attorney (b)(6)
Mailing Address: (b)(6) Norfolk VA 23514
City State or Country Zip
Phone No.: 757 (b)(6) Email: sanford@prlaw.org

Names (or other information, e.g., agency): Attorney (b)(6)
Mailing Address: (b)(6) Virginia Beach, VA 23464
City State or Country Zip
Phone No.: 757 (b)(6) Email: (b)(6)

Continue on an additional page, if needed.

⑥ Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?

☒ Yes: Agency/Office/Court

☐ No

ICE Norfolk

Date: July 18, 2011

If so, has anyone responded to your complaint?

☐ Yes ☒ No

If Yes, describe what has been done to respond to your complaint:

We have only contacted Agent (b)(6),(b)(7)(C) through the information from my Immigrations Attorney (b)(6) (b)(6) who spoke to some officers in the Immigration & Customs Enforcement (ICE) office in Norfolk Virginia, who in turn gave her the name of Agent (b)(6),(b)(7)(C) as one of those that came to my house that day to collect the Passports. It was through my Attorney that I got his telephone number and name but he refused to cooperate to release the documents they (I mean three of them) took the three passports from my bag in my presence, because I do not know their names till my Attorney gave it to me. When I was living there office after three hours of my arrest, they said I was released on recognizance thereby meaning that I was wrongfully arrested, as if that is not enough, it is still difficult for then to release my wife and son German European Citizen International Passport. That I sincerely plead for the return of my wife and son passports and will also appreciate it if you will send my family documents that were collected by the immigrations enforcement on June 17th 2009 to our address or our Immigrations Attorney address.

Continue on an additional page, if needed.

⑦ Is there any other information you want us to know about or consider?

Yes, My wife and son are key witnesses to this matter, since June 17, 2009 they have not seen nor touched their passports for official transactions. Also My wife went immediately to Attorney (b)(6) that same day when she got the information that I was picked up and detained in their office in Norfolk, in the presence of my wife Mr. (b)(6) who is also a key witness to this spoke to the officers and they confirmed having the three passports in the presence of my wife in a loudspeaker phone in his law chamber in Norfolk. Why is Agent (b)(6),(b)(7)(C) denying ever collecting the passports for my family and also refusing to mention the names of the other two officers who came with him. This is a clear injustice, keep people passport who have not done anything wrong.

Continue on an additional page, if needed.

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.
-

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: crcl@dhs.gov

Phone: Local: 202-401-1474 or

Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470

Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security

CRCL/Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ To submit this form by email, please save, attach, and send to crcl@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to crcl@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the **types** of complaints, and **do not include personal information**. To read our past reports, go to www.dhs.gov/crcl.

To learn more about the Privacy Act go to the Federal Information Center, www.pueblo.gsa.gov.

You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-1101 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-08-25 11:21	Create	Component Referenced	ICE	7877	(b)(6)	User Change
DhsComplaint	2011-08-25 11:21	Create	Summary	On August 15, 2011, CRCL received email correspondence from Mr. (b)(6) alleging that on June 17, 2009, ICE came to his Norfolk, Virginia home, confiscated his international passport, his German European citizens national iden	7877	(b)(6)	User Change
DhsComplaint	2011-08-25 11:21	Create	Executive Summary	On August 15, 2011, CRCL received email correspondence from Mr. (b)(6) alleging that on June 17, 2009, ICE came to his Norfolk, Virginia home, confiscated his international passport, his German European citizens national iden	7877	(b)(6)	User Change
DhsComplaint	2011-08-25 11:21	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7877	(b)(6)	User Change
DhsComplaint	2011-08-25 11:21	Create	Days to Process	10	7877	(b)(6)	User Change
DhsComplaint	2011-08-25 11:21	Create	Date to CRCL	08/15/2011	7877	(b)(6)	User Change
DhsComplaint	2011-08-25 11:21	Create	Date to DHS	08/15/2011	7877	(b)(6)	User Change
DhsComplaint	2011-08-25 11:21	Create	Date on Correspondence	08/15/2011	7877	(b)(6)	User Change
DhsComplaint	2011-08-25 11:21	Create	Sender Type	Individual	7877	(b)(6)	User Change
DhsComplaint	2011-08-25 11:21	Create	Method of Receipt	Email	7877	(b)(6)	User Change
DhsComplaint	2011-08-25 11:21	Create	Entry Date	08/25/2011	7877	(b)(6)	User Change
DhsComplaintAction	2011-08-26	Create	Action Date	08/26/2011	105891	(b)(6)	User

(b)(6)							Change
DhsComplaintAction	2011-08-26 10:33	Create	Comments	Forward to the JIC		105891	User Change
DhsComplaintAction	2011-08-26 10:33	Create	Action	Forward to Component for action and notify sender		105891	User Change
DhsComplaintDocument	2011-08-25 11:24	Create	Foreign Language	No		84918	User Change
DhsComplaintDocument	2011-08-25 11:24	Create	Dateentered	08/25/2011		84918	User Change
DhsComplaintDocument	2011-08-25 11:24	Create	Document Type	Incoming Letter		84918	User Change
DhsComplaintDocument	2011-08-25 11:24	Create	Document 1	8 15 2011 (b)(6) pdf		84918	User Change
DhsComplaintDocument	2011-08-25 11:31	Create	Foreign Language	No		84919	User Change
DhsComplaintDocument	2011-08-25 11:31	Create	Dateentered	08/25/2011		84919	User Change
DhsComplaintDocument	2011-08-25 11:31	Create	Document Type	Investigative Material		84919	User Change
DhsComplaintDocument	2011-08-25 11:31	Create	Document 1	(b)(6) EARM Encounters Record (b)(6) pdf		84919	User Change
DhsComplaintIssue	2011-08-25 11:30	Create	State	Virginia - VA		13134	User Change
DhsComplaintIssue	2011-08-25 11:30	Create	Ongoing	Yes		13134	User Change
DhsComplaintIssue	2011-08-25 11:30	Create	Situation	DHS law enforcement activity		13134	User Change
DhsComplaintIssue	2011-08-25 11:30	Create	Incident Location Type	Residence		13134	User Change
	2011-						

DhsComplaintIssue	08-25 11:30	Create	Incident Date	06/17/2009	13134	(b)(6)	User Change
DhsComplaintIssue	2011- 08-25 11:30	Create	Redirect to Subject	No	13134		User Change
DhsComplaintIssue	2011- 08-25 11:30	Create	City	Norfolk	13134		User Change
DhsComplaintIssue	2011- 08-25 11:30	Create	(b)(5)	(b)(5)	13134		User Change
DhsComplaintIssue	2011- 08-25 11:30	Create	Incident Date 2	08/25/2011	13134		User Change
DhsComplaintIssue	2011- 08-25 11:30	Create	Primary Issue	Yes	13134		User Change
DhsComplaintPartiesInvolved	2011- 08-25 11:27	Create	Prefix	Mr	22198		User Change
DhsComplaintPartiesInvolved	2011- 08-25 11:27	Create	Email	(b)(6)	22198		User Change
DhsComplaintPartiesInvolved	2011- 08-25 11:27	Create	Zip Code	23508	22198		User Change
DhsComplaintPartiesInvolved	2011- 08-25 11:27	Create	Phone	757 (b)(6)	22198		User Change
DhsComplaintPartiesInvolved	2011- 08-25 11:27	Create	Address Line 1	P.O.Box 6134	22198		User Change
DhsComplaintPartiesInvolved	2011- 08-25 11:27	Create	Alien Registration	(b)(6)	22198		User Change
DhsComplaintPartiesInvolved	2011- 08-25 11:27	Create	State	Virginia - VA	22198		User Change
DhsComplaintPartiesInvolved	2011- 08-25 11:27	Create	City	Norfolk	22198		User Change
DhsComplaintPartiesInvolved	2011- 08-25 11:27	Create	Last Name	(b)(6)	22198		User Change

DhsComplaintPartiesInvolved	2011-08-25 11:27	Create	Contact Type	Sender		(b)(6)	User Change
DhsComplaintPartiesInvolved	2011-08-25 11:27	Create	First Name	(b)(6)			User Change

From: (b)(6)
To: CRCL
Subject: FW: Los Angeles Raid - Complainant Carmen Bonilla
Date: Tuesday, August 02, 2011 5:18:27 PM

Please log in the media reports below as a Contact.

It appears to involve ICE Homeland Security Investigations (HSI) enforcement action.

Thanks,

(b)(6)

202-357-(b)(6)
(b)(6)@hq.dhs.gov

From: (b)(6)
Sent: Tuesday, August 02, 2011 1:06 PM
To: (b)(6)
Subject: FW: Los Angeles Raid - Complainant Carmen Bonilla

FYI -

(b)(6)
Deputy Director Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Tel (202) 357-(b)(6)

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: (b)(6),(b)(7)(C)@dhs.gov]
Sent: Tuesday, August 02, 2011 9:13 AM
To: (b)(6)
Cc: (b)(6)
Subject: Los Angeles Raid - Complainant Carmen Bonilla

(b)(6)

I'm sure this is coming your way, just wanted to let you know we already have a case assigned to OPR Los Angeles as of 7/25/11 (201111428).

CALIFORNIA FAMILY CLAIMS MISCONDUCT DURING ICE DRUG RAID. The AP (8/2)

reports, "A family on Monday accused federal immigration officials of pushing a 46-year-old woman to the floor and kicking her during a drug raid on a Southern California house where they had moved less than three weeks before." According to Carmen Bonilla, "roughly 40 armed agents stormed the house in Norco July 19 pointing guns at her and threatening to shoot." Her family members said that ICE "found no drugs but are now threatening to deport Bonilla, her two children and daughter-in-law."

Meanwhile, KTLLA-TV Los Angeles (8/2) reports that the Bonilla family is "fighting for their rights to stay in the US." ICE agents learned during the raid that "eight of the home's occupants were in the country illegally and now they're fighting deportation." The Coalition for Humane Immigration Rights of Los Angeles will be assisting the family, who have also retained an immigration lawyer.

Also, the LA Weekly (blog, 170K) (8/2, Wilson) reports that the raid "looks to directly contradict ICE Director John Morton's recent promise that agents should use 'prosecutorial discretion' in deciding who to target/deport." The article notes that "if what the Bonillas say is true, their home-invasion nightmare represents everything wrong with US immigration policy: Anyone who law enforcement finds the least bit suspicious, for reasons unspecified, or who officials mistake for that other Cholo down the street slanging trees, can -- once they're in custody -- be subjected to losing their home and livelihood in the US." It further argues that "even if these agents just made an innocent mistake on July 19, one (allegedly) drug-free family shouldn't have to pay for it with welts, deportation proceedings and life in a constant terror-state of paranoia."

(b)(6),(b)(7)(C)

Regional Operations Manager
ICE Office of Professional Responsibility
Washington, DC 20024
Office: (202) (b)(6),(b)(7)(C)

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-1141

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-09-16 14:09	Create	Component Referenced	ICE	7919	(b)(6)	User Change
DhsComplaint	2011-09-16 14:09	Create	Summary	On August 2, 2011, CRCL received informal notice from ICE OPR of California media coverage involving complainant Carmen Bonilla, who alleges that on July 19, 2011 in Norco, California during an ICE drug raid, agents used excessive force against her by pus	7919		User Change
DhsComplaint	2011-09-16 14:09	Create	Executive Summary	On August 2, 2011, CRCL received informal notice from ICE OPR of California media coverage involving complainant Carmen Bonilla, who alleges that on July 19, 2011 in Norco, California during an ICE drug raid, agents used excessive force against her by pus	7919		User Change
DhsComplaint	2011-09-16 14:09	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7919		User Change
DhsComplaint	2011-09-16 14:09	Create	Days to Process	45	7919		User Change
DhsComplaint	2011-09-16 14:09	Create	Date to CRCL	08/02/2011	7919		User Change
DhsComplaint	2011-09-16 14:09	Create	Date to DHS	08/02/2011	7919		User Change
DhsComplaint	2011-09-16 14:09	Create	Date on Correspondence	08/02/2011	7919		User Change
DhsComplaint	2011-09-16 14:09	Create	Sender Type	Government Agency	7919		User Change
DhsComplaint	2011-09-16 14:09	Create	Method of Receipt	Email	7919		User Change
DhsComplaint	2011-09-16 14:09	Create	Entry Date	09/16/2011	7919		User Change
DhsComplaintDocument	2011-09-16 14:17	Create	Document Type	Incoming Letter	85048		User Change
DhsComplaintDocument	2011-09-16	Create	Document 1	8 2 2011 Bonilla.pdf	85048		User Change

	14:17					(b)(6)	
DhsComplaintDocument	2011-09-16 14:17	Create	Dateentered	09/16/2011	85048		User Change
DhsComplaintDocument	2011-09-16 14:17	Create	Foreign Language	No	85048		User Change
DhsComplaintDocument	2011-09-16 14:24	Create	Document Type	Media Coverage	85051		User Change
DhsComplaintDocument	2011-09-16 14:24	Create	Document 1	8 2 2011 Bonilla_media coverage.pdf	85051		User Change
DhsComplaintDocument	2011-09-16 14:24	Create	Dateentered	09/16/2011	85051		User Change
DhsComplaintDocument	2011-09-16 14:24	Create	Foreign Language	No	85051		User Change
DhsComplaintIssue	2011-09-16 14:22	Create	Incident Location Type	Residence	13160		User Change
DhsComplaintIssue	2011-09-16 14:22	Create	Primary Issue	Yes	13160		User Change
DhsComplaintIssue	2011-09-16 14:22	Create	(b)(5),(b)(7)(A)	(b)(5),(b)(7)(A)	13160		User Change
DhsComplaintIssue	2011-09-16 14:22	Create	City	Norco	13160		User Change
DhsComplaintIssue	2011-09-16 14:22	Create	Situation	DHS law enforcement activity	13160		User Change
DhsComplaintIssue	2011-09-16 14:22	Create	State	California - CA	13160		User Change
DhsComplaintIssue	2011-09-16 14:22	Create	Incident Date	07/19/2011	13160		User Change
DhsComplaintIssue	2011-09-16 14:22	Create	Ongoing	No	13160		User Change
DhsComplaintIssue	2011-09-16 14:22	Create	Redirect to Subject	No	13160		User Change
DhsComplaintPartiesInvolved	2011-09-16 14:21	Create	Last Name	ICE OPR	22272		User Change
DhsComplaintPartiesInvolved	2011-09-16 14:21	Create	Contact Type	Source	22272		User Change
DhsComplaintPartiesInvolved	2011-09-16 14:21	Create	Organization	ICE	22272		User Change
DhsComplaintPartiesInvolved	2011-09-16 14:21	Create	Last Name	Bonilla	22271		User Change
DhsComplaintPartiesInvolved	2011-09-16	Create	Prefix	Mrs	22271		User

	14:21					(b)(6)	Change
DhsComplaintPartiesInvolved	2011-09-16 14:21	Create	Contact Type	On Behalf Of	22271		User Change
DhsComplaintPartiesInvolved	2011-09-16 14:21	Create	First Name	Carmen	22271		User Change

(b)(6)

From: (b)(6)
Sent: Thursday, September 08, 2011 6:11 PM
To: crcl@dhs.gov
Subject: CRCL Complaint Re: (b)(6)
Attachments: CRCLComplaint_090811.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

(b)(6)

Dear Officer,

Attached, please find the complaint for (b)(6) Thank you.

Sincerely,

(b)(6)

If you have received this message in error, please immediately notify the sender and delete this message. This e-mail message is personal, confidential, and/or legally privileged and intended only for the above-named recipient(s). Electronic Communications Privacy Act, 18 United States Code 2510-2521.



**Department of Homeland Security (DHS)
Office for Civil Rights and Civil Liberties**

Civil Rights Complaint

Fillable Version (last modified 3/15/2011)

The purpose of this form is to assist you in filing a civil rights/civil liberties complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding DHS programs and activities. This form is not intended to be used for complaints about employment with DHS. You are not required to use this form to file a complaint; a letter with the same information is sufficient. However, if you file a complaint by letter, you should include the same information that is requested in the form.

CRCL Mission:

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin (including language proficiency), religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see www.dhs.gov/eo.)
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency?
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women Act's confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

Notes on Confidentiality and Anonymity:

- A)** You may remain anonymous by not filling in your name, below. However, CRCL may not be able to investigate your complaint unless you provide enough information to conduct an investigation.
- B)** Disclosure of the information you provide, including your identity, is on a "need-to-know" basis, and is discussed in the Privacy Statement at the end of this document. **IF YOU CHECK THE BOX BELOW, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct).** Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.
- ☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.
- C)** Reprisal against complainants to CRCL is unlawful; if you feel you have been a victim of reprisal, **CALL US. 1-866-644-8360.**

Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① **Information about the person who experienced the civil rights/civil liberties violation**

(fill in what you can)

Name: (b)(6)
First and Middle Last
Phone #: Cell: 917 (b)(6) Home: Work:
Please note that we may contact you at the provided numbers.
Mailing Address: (b)(6) Corona NY 11368
PO Box or Street address City State Zip
Date of Birth: (b)(6) Email (optional):
Alien Registration #. (if you have one and it's available): (b)(6)

☐ Check here if you are in detention now.

Which facility? Monmouth County Jail 1 WATERWORKS ROAD FREEHOLD, NJ 7728
Facility name Facility address

☒ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information (b)(6) Phone: 718 (b)(6)

② **Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.**

Name: (b)(6) (b)(6) (b)(6) ESQ
First Last Job title
Organization (if any): (b)(6)
Phone #: Cell: Home: Work: 718 (b)(6)
Mailing Address: (b)(6) New York City NY 11354
PO Box or Street address City State Zip

③ **What happened?** Describe your complaint. Give as much detail about your experience as possible.

SEE ATTACHED AFFIDAVIT OF (b)(6)

On September 1, 2011, ICE HSI agents unlawfully entered the home of Mr. (b)(6) without a warrant, consent, or the existence of exigent circumstances. Such unlawful entry was in violation of Mr. (b)(6) Fourth Amendment rights to protection against unreasonable searches and seizures; 8 C.F.R. 287.8(f)(2); and 8 C.F.R. 287.9(a). The agents proceeded to search the home and arrested (b)(6) without a warrant, probable cause or any reasonable belief, in violation of 8 C.F.R. 287.8(c)(2) and the Fourth Amendment. In addition, the agents refused to explain to (b)(6) the reason for his arrest in violation of 8 C.F.R. 287.8(c)(2)(iii)(B). Furthermore, the HSI agents interrogated (b)(6) while restraining her freedom, in violation of 8 C.F.R. 287.8(b)(1). Although (b)(6) was informed of the reason for her arrest -- which was at least partly criminal in nature -- she was not advised of her rights or given Miranda warnings in violation of her Fourth and Fifth Amendment rights, and also 8 C.F.R. 287.8(c)(2)(v). When (b)(6) nevertheless invoked her right to counsel on her own, she was refused that right. (b)(6) was subsequently questioned, and eventually released with an ankle monitor, but was also threatened with deportation by SAC (b)(6), (b)(7)(C) if she did not cooperate in implicating others involved in the criminal activity for which she was arrested, in violation of 8 C.F.R. 287.8(c)(2)(vii). While (b)(6) are both subject to final orders of removal, (b)(6) was not released.

Continue on an additional page, if needed.

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

September 1, 2011, at approximately 8:40 a.m.

Where did this happen?

Place *(for example, name the detention facility, airport, other):*

(b)(6)

City: Corona

State or Country: NY

④ Who treated you unfairly?

An employee, contractor, or officer of *(check as many as apply):*

☐ Citizenship and Immigration Services (USCIS)

☐ Customs and Border Protection (CBP)*

☐ Customs Officer

☐ Border Patrol Agent

☐ Federal Emergency Management Agency (FEMA)

☒ Immigration and Customs Enforcement (ICE)

☐ Secret Service (USSS)

☐ Transportation Security Administration (TSA)*

☐ U.S. Coast Guard (USCG)

☐ Other DHS program *(specify)* :

☐ Not sure which DHS office

☐ Non-DHS employee working under the authority of DHS (e.g., 287g officer)

specify: _____

SAC (b)(6),(b)(7)(C) (contact information on page 4)

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): _____

Mailing Address: _____
P.O. Box or Street address City State or Country Zip

Phone No.: _____ Email: _____

Names (or other information, e.g., agency): _____

Mailing Address: _____
P.O. Box or Street address City State or Country Zip

Phone No.: _____ Email: _____

Continue on an additional page, if needed.

⑥ Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?

☐ Yes: Agency/Office/Court _____ Date: _____

☒ No

If so, has anyone responded to your complaint?

☐ Yes ☐ No

If Yes, describe what has been done to respond to your complaint:

Continue on an additional page, if needed.

⑦ Is there any other information you want us to know about or consider?

SAC (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) New York, NY
Tel: 646 (b)(6),(b)(7) 646 (b)(6),(b)(7)
Email: (b)(6),(b)(7)(C) @dhs.gov

Continue on an additional page, if needed.

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.

Mandarin

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: crcl@dhs.gov

Phone: Local: 202-401-1474 or

Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470

Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security

CRCL/Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ To submit this form by email, please save, attach, and send to crcl@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to crcl@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the **types** of complaints, and **do not include personal information**. To read our past reports, go to www.dhs.gov/crcl

To learn more about the Privacy Act go to the Federal Information Center, www.pueblo.gsa.gov.

You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.

G-28, Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

Part 1. Notice of Appearance as Attorney or Accredited Representative

A. This appearance is in regard to immigration matters before:

- ☐ USCIS - List the form number(s): _____ ☐ CBP - List the specific matter in which appearance is entered: _____
- ☒ ICE - List the specific matter in which appearance is entered: _____

B. I hereby enter my appearance as attorney or accredited representative at the request of:

List Petitioner, Applicant, or Respondent. NOTE: Provide the mailing address of Petitioner, Applicant, or Respondent being represented, and not the address of the attorney or accredited representative, except when filed under VAWA.

Principal Petitioner, Applicant, or Respondent			A Number or Receipt Number, if any	☐ Petitioner ☐ Applicant ☐ Respondent
Name: Last	First	Middle		
(b)(6)	(b)(6)			
Address: Street Number and Street Name		Apt. No.	City	State Zip Code
(b)(6)			Corona	NY 11368

Pursuant to the Privacy Act of 1974 and DHS policy, I hereby consent to the disclosure to the named Attorney or Accredited Representative of any record pertaining to me that appears in any system of records of USCIS, USCBP, or USICE.

Signature of Petitioner, Applicant, or Respondent

Date 9/8/11

Part 2. Information about Attorney or Accredited Representative (Check applicable item(s) below)

- A. ☒ I am an attorney and a member in good standing of the bar of the highest court(s) of the following State(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia: NEW YORK
I am not ☒ or ☐ am subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law (If you are subject to any order(s), explain fully on reverse side).
- B. ☐ I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals pursuant to 8 CFR 1292.2. Provide name of organization and expiration date of accreditation:

- C. ☒ I am associated with (b)(6)
The attorney or accredited representative of record previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request (If you check this item, also complete item A or B above in Part 2, whichever is appropriate).

Part 3. Name and Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

Name of Attorney or Accredited Representative		Attorney Bar Number(s), if any
(b)(6)		
Signature	(b)(6)	Date 9/8/11
Address of Attorney or Accredited Representative (Street Number and Street Name, Suite No., City, State, Zip Code)		
(b)(6) FLUSHING, NY 11354		
Phone Number (Include area code)	Fax Number, if any (Include area code)	E-Mail Address, if any
718-(b)(6)	718-(b)(6)	(b)(6)

Form G-28 (Rev 04/22/09)N

AFFIDAVIT

STATE OF NEW YORK

)

) ss.:

COUNTY OF QUEENS

)

I, (b)(6) being duly sworn, deposes and says:

1. I do not fluently speak, read, or write any English.
2. I do speak and read Chinese.
3. The following affidavit has been translated to me in Chinese by the below translator.
4. I am (b)(6) and my husband is (b)(6)
5. On August 9, 2011 my husband arrested for fighting but he pled not guilty and is still fighting the case.
6. On August 17, 2011 my husband was arrested for an offense related to drugs but he pled not guilty and is still fighting the case he has to go back to court on 10/3/11.
7. On 9/1/11 about 8:40 am, our entire family was eating breakfast. The doorbell rang furiously and many police were outside. My landlord went downstairs and opened the door. He was pushed outside and the police went upstairs and knocked on my door. I opened the door and many police officers stormed in and they told me to stand there and not move. A few of them stayed there watching me and the rest went in to search for my husband. While they searched for my husband, the officers remaining asked if there were any knives, guns, weapons, or drugs in the house. I told them that we didn't have any of that. My two children were still in the middle of breakfast. My son, (b)(6) is 13 and my daughter, (b)(6) is only 10. They were in shock and just sat there at the breakfast table, not knowing what to do and what was happening.
8. After they found my husband, they told him to sit and not move since he was not

dressed yet. My husband asked why he was being arrested. They told him that they would tell him why after he went downstairs. My husband asked to put on clothing. They refused and said that he was not allowed to move, they would find the clothing and give it to him. They chose a shirt for him and when I requested a jacket for my husband, they refused to give it to him because they claimed that a jacket was unnecessary. The police would not allow my husband or me to get him a pair of shoes. They chose a random pair for him and took my husband downstairs. I was not allowed to leave and they would not tell me why they were arresting my husband.

9. Right before the police left the house, they confiscated 8 to 9 cartons of cigarettes that my husband's friends had bought for him to smoke. They claimed that the cigarettes were also illegal. A female then asked me if I had status. I told her no, I did not have a green card. She told me that because I did not have status, that was why I was being arrested. She then told me that I had to call a relative with status to pick up my children, otherwise, they would be taken with her and her husband. I told her I do have a brother close by. She told me I had to be quick about it. I asked to go get my cell phone and she followed me to my cell phone. I called my brother and told him to come over quickly.
10. A translator came up with another male officer to talk to me. They told me that I was being arrested because I have a deportation order and because in July, they found 500 fake purses at my store at (b)(6) in Chinatown. A worker was caught selling the fake purses. They showed me a search request paper and asked me to cooperate and sign the paper allowing them to search my house. I told them that I need to call my lawyer first. They refused to let me call my lawyer and said that I was not allowed to make any phone calls. I told them I will not sign and I had to check with lawyer before

signing anything.

11. They saw a picture on the table and a small fake purse in the house. They told me that those two items were proof that I sold fake purses. They said I was being uncooperative. Then they told me to open up the basement to search. I told them that I did not rent the basement, they have to ask the landlord. They asked where the landlord lived and I said the landlord lived on the second floor. They asked me what the landlord did for a living and I told them that they worked in a clothing factory. Asked if I colluded with landlord to sell fake purses. I said no, they did not. They asked me what would I do if something found in basement, since they claim that I was not cooperating and the consequences will be on me. They left 3 officers upstairs, 2 watched me and 1 watched the kids.
12. They went to the second floor and asked the landlord's wife for the key to the basement. They asked her if I rented the basement and she told them no. She told them that she does not have the key, the landlord has it. They went outside and asked the landlord for the key to basement. He opened the basement with the key.
13. Another officer came upstairs and was on the phone. He stated many fake purses, LV, Gucci, Coach, etc. were found in the basement. He kept on looking at me while he said all of this.
14. Then a female officer told me that if my relative doesn't come now to pick up the kids, they would be taken as well. I requested to call my brother again but she refused to let me. Soon after, another officer came up and said my brother had arrived. They took the kids downstairs to my brother and my kids could not even attend their summer school classes that day.
15. I was wearing a skirt and they asked if I wanted to change clothes. I said I wanted to wear pants, so they chose a pair of pants for me and the female officer followed me to

change and then patted me down. I was handcuffed and arrested.

16. They took the photo of the purse, the small purse, and the cigarette from my house.
17. They took me and my husband to immigration and placed in two different cells. I saw my husband be taken out first. Then, I was taken out of the room to be questioned. They took pictures of me, fingerprinted me, asked me my name, birthdate, my parents' names, children's name and birthdate, etc.. Then they asked me to sign forms to apply for visa and passport to be deported. I refused to sign. Then they asked me if I would sign a form to be released. I told them yes, I would. They said that I would be wearing an ankle monitor. I agreed and signed. I would be allowed to go back home today, but my husband could not leave.
18. My husband requested to speak to me in private and they originally agreed, but, then they decided that they could only speak under the presence of 2 officers and a translator and that they would have to converse in Mandarin only. I spoke with my husband in my cell. The translator told him that I could leave, but he had to be detained. The translator told me then that I should cooperate and help him catch bigger fish in terms of fake purses. An officer said that the husband being released is impossible. However, if I was able to help, then, I could stay in America. If I did not, I would be deported at 90 days. They said that they do not need my help, they already have targets, but it would help if I cooperated. She would become a witness and might be able to stay even though there is no chance for her husband.
19. When I was leaving the office to get my ankle monitor, an officer, (b)(6), (b)(7)(C) told me again to cooperate, otherwise, the consequences would be severe. He gave me his card and said I should call that number to let him know if I would cooperate. I was then fitted with an ankle monitor and left.

20. Under penalty of perjury, I hereby swear that the information contained in this affidavit
is true and accurate.

Sworn to before me this
8TH day of September 2011

(b)(6)

(b)(6)

Notary Public, State of New York
No. (b)(6)
Qualified in Queens County
Commission Expires December 7, 2013

CERTIFICATE OF TRANSLATION

I, (b)(6), am competent to translate from Chinese into English, and certify that
the translation of the above Affidavit is true and accurate to the best of my abilities.

(b)(6)

Flushing, NY 11354

(718) (b)(6)

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-1152 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2014-09-03 17:40	Update	Summary	On September 8, 2011, CRCL received email correspondence from Atty (b)(6) on behalf of Mr. (b)(6) alleging that on September 1, 2011 at approximately 8:40 am, ICE HSI agents unlaw	7930	(b)(6)	User Change
DhsComplaint	2014-09-03 17:40	Update	Days to Process	1091	7930		User Change
DhsComplaint	2011-09-20 12:04	Create	Component Referenced	ICE	7930		User Change
DhsComplaint	2011-09-20 12:04	Create	Summary	On September 8, 2011, CRCL received email correspondence from Atty (b)(6) on behalf of Mr. (b)(6) alleging that on September 1, 2011 at approximately 8:40 am, ICE HSI agents unlaw	7930		User Change
DhsComplaint	2011-09-20 12:04	Create	Executive Summary	On September 8, 2011, CRCL received email correspondence from Atty (b)(6) on behalf of Mr. (b)(6) alleging that on September 1, 2011 at approximately 8:40 am, ICE HSI agents unlaw	7930		User Change
DhsComplaint	2011-09-20 12:04	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7930		User Change
DhsComplaint	2011-09-20 12:04	Create	Days to Process	12	7930		User Change
DhsComplaint	2011-09-20 12:04	Create	Date to CRCL	09/08/2011	7930		User Change
DhsComplaint	2011-09-20 12:04	Create	Date to DHS	09/08/2011	7930		User Change
DhsComplaint	2011-09-20 12:04	Create	Date on Correspondence	09/08/2011	7930		User Change
DhsComplaint	2011-09-20 12:04	Create	Sender Type	NGO/Organization	7930		User Change
	2011-						

DhsComplaint	09-20 12:04	Create	Method of Receipt	Email	7930	(b)(6)	User Change
DhsComplaint	2011- 09-20 12:04	Create	Entry Date	09/20/2011	7930		User Change
DhsComplaint	2014- 09-03 18:16	Update	Summary	On September 8, 2011, CRCL received email correspondence from Atty (b)(6) on behalf of Mr. (b)(6) alleging that on September 1, 2011 at approximately 8:40 am, ICE HSI agents unlaw	7930		User Change
DhsComplaintDocument	2014- 09-03 18:15	Update	Document 3	(b)(6) EARM Detention History.pdf	85077		User Change
DhsComplaintDocument	2014- 09-03 18:15	Update	Document 2	(b)(6) EARM Comments Record.pdf	85077		User Change
DhsComplaintDocument	2011- 09-20 12:13	Create	Document Type	Investigative Material	85077		User Change
DhsComplaintDocument	2011- 09-20 12:13	Create	Document 1	(b) EARM Encounters Record (b)(6).pdf	85077		User Change
DhsComplaintDocument	2011- 09-20 12:13	Create	Dateentered	09/20/2011	85077		User Change
DhsComplaintDocument	2011- 09-20 12:13	Create	Foreign Language	No	85077		User Change
DhsComplaintDocument	2011- 09-20 12:07	Create	Document Type	Incoming Letter	85076		User Change
DhsComplaintDocument	2011- 09-20 12:07	Create	Document 1	9 8 2011 (b)(6).pdf	85076		User Change
DhsComplaintDocument	2011- 09-20 12:07	Create	Dateentered	09/20/2011	85076		User Change
DhsComplaintDocument	2011- 09-20 12:07	Create	Foreign Language	No	85076		User Change
DhsComplaintIssue	2011- 09-20 12:19	Update	City	Corona	13168		User Change
DhsComplaintIssue	2011- 09-20	Create	Incident Location	Residence	13168		User

	12:18	Type			(b)(6)	Change
DhsComplaintIssue	2011-09-20 12:18	Create	Primary Issue	Yes	13168	User Change
DhsComplaintIssue	2011-09-20 12:18	Create	(b)(5),(b)(7)(A)	(b)(5),(b)(7)(A)	13168	User Change
DhsComplaintIssue	2011-09-20 12:18	Create	Situation	DHS law enforcement activity	13168	User Change
DhsComplaintIssue	2011-09-20 12:18	Create	State	New York - NY	13168	User Change
DhsComplaintIssue	2011-09-20 12:18	Create	Incident Date	09/01/2011	13168	User Change
DhsComplaintIssue	2011-09-20 12:18	Create	Ongoing	No	13168	User Change
DhsComplaintIssue	2011-09-20 12:18	Create	Redirect to Subject	No	13168	User Change
DhsComplaintPartiesInvolved	2011-09-20 12:18	Create	Last Name	(b)(6)	22291	User Change
DhsComplaintPartiesInvolved	2011-09-20 12:18	Create	Prefix	Mrs	22291	User Change
DhsComplaintPartiesInvolved	2011-09-20 12:18	Create	Middle Name	(b)(6)	22291	User Change
DhsComplaintPartiesInvolved	2011-09-20 12:18	Create	Contact Type	On Behalf Of	22291	User Change
DhsComplaintPartiesInvolved	2011-09-20 12:18	Create	First Name	(b)(6)	22291	User Change
DhsComplaintPartiesInvolved	2011-09-20 12:17	Create	Last Name	(b)(6)	22290	User Change
DhsComplaintPartiesInvolved	2011-09-20 12:17	Create	Prefix	Mr	22290	User Change
	2011-					

DhsComplaintPartiesInvolved	09-20 12:17	Create	Alien Registration	(b)(6)		22290	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 09-20 12:17	Create	Middle Name	(b)(6)		22290	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 09-20 12:17	Create	Contact Type	On Behalf Of		22290	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 09-20 12:17	Create	First Name	(b)(6)		22290	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 09-20 12:16	Create	Last Name	(b)(6)		22289	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 09-20 12:16	Create	Zip Code	11354		22289	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 09-20 12:16	Create	State	New York - NY		22289	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 09-20 12:16	Create	Prefix	Atty		22289	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 09-20 12:16	Create	Phone	718 (b)(6)		22289	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 09-20 12:16	Create	City	New York		22289	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 09-20 12:16	Create	Address Line 1	(b)(6)		22289	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 09-20 12:16	Create	Middle Name	(b)(6)		22289	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 09-20 12:16	Create	Email	(b)(6)		22289	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 09-20 12:16	Create	Contact Type	Sender		22289	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 09-20 12:16	Create	Other Organization	(b)(6)		22289	(b)(6)	User Change

DhsComplaintPartiesInvolved	2011-09-20 12:16	Create	First Name	(b)(6)		22289	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011-09-20 12:16	Create	Organization	Other		22289		User Change



FLORIDA IMMIGRANT COALITION

FOR THE FAIR TREATMENT OF ALL PEOPLE

Main Office:

2800 Biscayne Blvd, Suite 800
Miami, FL 33137
(305) 571 - 7254
(305) 571 - 7257 (f)

Youth Issues:

SWER@Floridaimmigrant.org

Board of Directors

Lourdes Villanueva, President
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Hiram Grandoit, Treasurer
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We Count!

Joyce Hamilton Henry
American Civil Liberties Union

Romeo de la Paz
Asian American Federation

Mayra Hidalgo
Students Working for Equal Rights

Flavia Franco
FL Immigrant Youth Network

Attn: Sheriff Kevin J. Rambosk of Collier County
3319 Tamiami Trail East, Bldg. J
Naples, FL 34112

CC: Office of the U.S. Attorney General, ICE Headquarters, DHS Civil Rights Division,
Attorney (b)(6)

Re: Detention of (b)(6)

April 12, 2012

On behalf of the Florida Immigrant Coalition (FLIC), a statewide organization with more than 30 immigrant rights organizational members statewide serving immigrant communities, I contact you in concern for the immediate safety and well being of (b)(6) of Fort Myers, currently detained at the Collier County Jail.

I represent FLIC in the Southwest Florida region as a full-time community organizer. It is by means of this role that the story of (b)(6) who is a special needs individual, born 09/15/1990 from Fort Myers was brought to my attention. We are extremely concerned about a home raid that took place this past Monday April 9th, 2012, where a series of civil rights violations took place and are requesting your immediate attention on the matter. Here is our understanding of the facts based on (b)(6) testimony:

- On April 9th, 2012, at approximately 6 p.m., (b)(6) his mother and sister were coming back to their Fort Myers home after buying groceries
- They were immediately stopped outside their house by 6 ICE and police agents, some dressed in black and others in green uniform
- The officers immediately demanded immigration documents from the family, upon which (b)(6) (the mother) responded that she needed to retrieve her work authorization permit from within her home.
- One officer got angry at her for not carrying these documents and threatened to detain her immediately
- Meanwhile other officers grabbed her son (b)(6) and began beating him repeatedly, accusing him erroneously of a gang affiliation
- The officers wanted to follow (b)(6) into her home and she requested a court-ordered warrant for her house to be searched, but they proceeded into the home without her consent, without providing any warrant, and then pulling out all her cabinet drawers, leaving the home in disarray
- The officers told (b)(6) that she had no rights because she was a "criminal" and "illegal" without proof or basis of the accusation
- She refuted this by identifying and providing her legal work authorization permit, which she held together with all of her son's immigration proceeding documents and USCIS receipt letters.

FLORIDA IMMIGRANT COALITION

FOR THE FAIR TREATMENT OF ALL PEOPLE

- Upon revealing these documents related to her son's case, one of the ICE agents took it from her hands and notified her that he would be confiscating them.
- (b)(6) was taken to Collier County Jail, where he currently has an ICE hold, and scheduled to be transferred to Krome Detention Center

(b)(6) We would like some clarity on this matter and are writing this letter on behalf of (b)(6) mother, who was a witness to all of the above. Additionally, we are extremely concerned for (b)(6) well-being as a student with mental disability under the Exceptional Student Education (ESE) program which he served throughout high school in Fort Myers. His mother, who suffers from Lupus, is anxious for her son's mental and physical well-being without the special attention and specialized supervision that he requires for his mental state. We want to be certain that (b)(6) is receiving the delicate and urgent care as mandated by his mental condition and demand further justification as to the reasons for his current detention. We have yet to publicize this letter to our media networks and will keep some brief patience in anticipation of your response. Thank you for your time and attention to this delicate matter.

Sincerely,

(b)(6)

Florida Immigrant Coalition
Organizer, Collier County Neighborhood Stories Project
(239) (b)(6)

From: (b)(6)
To: [Redacted]
Cc:
Subject: FW: Regarding (b)(6) Fort Myers Resident
Date: Friday, June 22, 2012 10:03:26 AM
Attachments: (b)(6)

(b)(6)

The attached correspondence from the Florida Immigrant Coalition sent to CRCL (as a cc), which I'm forwarding to you for your review, has not yet been input in Entellitrak, as I've just noticed. (I apologize for the oversight.) The correspondence alleges Fourth Amendment violations, excessive use of force, and due process violations by ICE in connection with a home raid in Fort Myers, Florida. I'm asking (b)(6) to log in this matter.

(b)(6)

in the Allegation summary, please note that the letter and the email correspondence is addressed to the attention of the Sheriff of Collier County, Florida, with cc to CRCL, ICE HQ, and the U.S. Attorney General. Also note that the full name of (b)(6) the mother of (b)(6) is not provided in the correspondence; therefore, please just refer to her as (b)(6) in your summary. In parentheses, you can note that the letter does not include (b)(6) full name. If you have questions during the processing, please let me know. Thanks.

No A# for (b)(6) is provided. I've asked ERO HQ to obtain the A#. Once I have it, I'll look up EARM records and share them with all of you.

(b)(6)

Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)
(b)(6)@hq.dhs.gov

From: (b)(6)
Sent: Friday, April 13, 2012 9:43 AM
To: CRCLCompliance
Subject: Fwd: Regarding (b)(6) Fort Myers Resident

Attn: Sheriff Kevin J. Rambosk of Collier County
3319 Tamiami Trail East, Bldg. J
Naples, FL 34112

CC: Office of the U.S. Attorney General, ICE Headquarters, DHS Civil Rights Division, Attorney (b)(6)

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-12-0446 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2012-06-22 14:32	Update	Summary	On April 13, 2012, CRCL received an email correspondence, addressed to the Sheriff of Collier County cc-ing CRCL, ICE HQ USAG, from (b)(6) an organizer for the Florida Immigrant Coalition (FLIC), on behalf of Mr. (b)(6)	8430	(b)(6)	User Change
DhsComplaint	2012-06-22 14:32	Update	Executive Summary	On April 13, 2012, CRCL received an email correspondence, addressed to the Sheriff of Collier County cc-ing CRCL, ICE HQ USAG, from (b)(6) an organizer for the Florida Immigrant Coalition (FLIC), on behalf of (b)(6)	8430		User Change
DhsComplaint	2012-06-22 10:47	Create	Component Referenced	ICE	8430		User Change
DhsComplaint	2012-06-22 10:47	Create	Summary	On April 13, 2012, CRCL received an email correspondence, addressed to the Sheriff of Collier County cc-ing CRCL, ICE HQ USAG, from (b)(6) an organizer for the Florida Immigrant Coalition (FLIC), on behalf of Mr. (b)(6)	8430		User Change
DhsComplaint	2012-06-22 10:47	Create	Executive Summary	(b)(6) a detainee			
DhsComplaint	2012-06-22 10:47	Create	Allegation	On April 13, 2012, CRCL received an email correspondence, addressed to the Sheriff of Collier County cc-ing CRCL, ICE HQ USAG, from (b)(6) an organizer for the Florida Immigrant Coalition (FLIC), on behalf of Mr. (b)(6)	8430		User Change
DhsComplaint	2012-06-22 10:47	Create	Days to Process	(CR/CL) Civil Rights/Civil Liberty	8430		User Change
DhsComplaint	2012-06-22 10:47	Create	Date to CRCL	70	8430		User Change
DhsComplaint	2012-06-22 10:47	Create	Date to DHS	04/13/2012	8430		User Change
DhsComplaint	2012-06-22 10:47	Create	Date on Correspondence	04/13/2012	8430		User Change
DhsComplaint	2012-06-22	Create		04/12/2012	8430		User Change

	10:47		Create	Number of Complainants	1			(b)(6)	User Change
DhsComplaint	2012-06-22 10:46		Create	Sender Type	NGO/Organization				User Change
DhsComplaint	2012-06-22 10:46		Create	Method of Receipt	Email				User Change
DhsComplaint	2012-06-22 10:46		Create	Entry Date	06/22/2012				User Change
DhsComplaintAction	2013-01-11 15:27		Create	Action Date	01/11/2013				User Change
DhsComplaintAction	2013-01-11 15:27		Create	Action	Notes				User Change
DhsComplaintAction	2013-01-11 15:27		Create	Comments	Have tried contacting (b)(6) for several months with no response to 4 voicemails left for her. (NF)				User Change
DhsComplaintDocument	2012-06-22 14:37		Create	Foreign Language	No				User Change
DhsComplaintDocument	2012-06-22 14:37		Create	Document 2	(b)(6) Record.pdf				User Change
DhsComplaintDocument	2012-06-22 14:37		Create	Document Type	Miscellaneous Material/Other				User Change
DhsComplaintDocument	2012-06-22 14:37		Create	Document 1	(b)(6) EARM Detention History.pdf				User Change
DhsComplaintDocument	2012-06-22 14:37		Create	Comments	EARM history, encounter and comments regarding Mr. (b)(6) whereabouts and alien number.				User Change
DhsComplaintDocument	2012-06-22 14:37		Create	Document 3	(b)(6) EARM Encounter Record.pdf				User Change
DhsComplaintDocument	2012-06-22 14:37		Create	Date entered	06/22/2012				User Change
	2012-								

DhsComplaintDocument	06-22 11:01	Create	Foreign Language	No	87035	(b)(6)	User Change
DhsComplaintDocument	2012-06-22 11:01	Create	Document 2	4 13 2012 (b)(6) actual compliant).pdf	87035	(b)(6)	User Change
DhsComplaintDocument	2012-06-22 11:01	Create	Document Type	Incoming Letter	87035	(b)(6)	User Change
DhsComplaintDocument	2012-06-22 11:01	Create	Document 1	4 13 2012 (b)(6) pdf	87035	(b)(6)	User Change
DhsComplaintDocument	2012-06-22 11:01	Create	Dateentered	06/22/2012	87035	(b)(6)	User Change
DhsComplaintIssue	2012-06-22 11:00	Create	Ongoing	No	13657	(b)(6)	User Change
DhsComplaintIssue	2012-06-22 11:00	Create	Situation	DHS law enforcement activity	13657	(b)(6)	User Change
DhsComplaintIssue	2012-06-22 11:00	Create	Incident Date	04/09/2012	13657	(b)(6)	User Change
DhsComplaintIssue	2012-06-22 11:00	Create	Primary Issue	Yes	13657	(b)(6)	User Change
DhsComplaintIssue	2012-06-22 11:00	Create	(b)(5),(b)(7)(A)	(b)(5),(b)(7)(A)	13657	(b)(6)	User Change
DhsComplaintIssue	2012-06-22 11:00	Create	City	Fort Myers	13657	(b)(6)	User Change
DhsComplaintIssue	2012-06-22 11:00	Create	State	Florida - FL	13657	(b)(6)	User Change
DhsComplaintIssue	2012-06-22 11:00	Create	Redirect to Subject	No	13657	(b)(6)	User Change
DhsComplaintIssue	2012-06-22 11:00	Create	Incident Location Type	Residence	13657	(b)(6)	User Change
DhsComplaintPartiesInvolved	2012-06-22 10:59	Update	Other Organization	Florida Immigrant Coalition	23178	(b)(6)	User Change

DhsComplaintPartiesInvolved	2012-06-22 10:59	Update	Contact Type	Sender	(b)(6)	23178	User Change
DhsComplaintPartiesInvolved	2012-06-22 10:59	Update	Organization	Other		23178	User Change
DhsComplaintPartiesInvolved	2012-06-22 10:58	Create	Contact Type	Witness		23180	User Change
DhsComplaintPartiesInvolved	2012-06-22 10:58	Create	First Name	(b)(6)		23180	User Change
DhsComplaintPartiesInvolved	2012-06-22 10:58	Create	City	Fort Myers		23180	User Change
DhsComplaintPartiesInvolved	2012-06-22 10:58	Create	Prefix	Mrs		23180	User Change
DhsComplaintPartiesInvolved	2012-06-22 10:58	Create	Comments	Mr. (b)(6)	mother. No full name provided.	23180	User Change
DhsComplaintPartiesInvolved	2012-06-22 10:58	Create	Last Name	(b)(6)		23180	User Change
DhsComplaintPartiesInvolved	2012-06-22 10:58	Create	State	Florida - FL		23180	User Change
DhsComplaintPartiesInvolved	2012-06-22 10:56	Create	Contact Type	On Behalf Of		23179	User Change
DhsComplaintPartiesInvolved	2012-06-22 10:56	Create	First Name	(b)(6)		23179	User Change
DhsComplaintPartiesInvolved	2012-06-22 10:56	Create	Prefix	Mr		23179	User Change
DhsComplaintPartiesInvolved	2012-06-22 10:56	Create	Last Name	(b)(6)		23179	User Change
DhsComplaintPartiesInvolved	2012-06-22 10:56	Create	Address Type	Work		23178	User Change
DhsComplaintPartiesInvolved	2012-06-22	Create	Contact Type	Source		23178	User

<http://crl-apps.dhs.gov/entelltrak/trackinglistChild.print.do> 2015-CRFO-0000201110

From: (b)(6)
To:
Cc: CRCLCompliance
Subject: FW: RE: Quick-Review-Routing-Tasker-Request (05.03.2013 (b)(6) FAX)
Date: Friday, July 26, 2013 5:22:46 PM

Hi (b)(6)

Please process this correspondence received by fax as a new Contact. EARM records are saved on the shared drive. I will give you the hard copy when you're next in the office, on July 30. On the shared drive, I've also renamed the original file as **05.03.2013 (b)(6) via Fordyce**

(b)(6) presented this matter at yesterday's case opening meeting. (I had left the hard copy for her in her office on May 15, Non Responsive

Non Responsive

Non Responsive This is noted just to help explain the gap of time between the time I left the hard copy for her and the time it was discussed at case opening and the hard copy returned to me. I had not followed up on the matter in the interim.) Yesterday, Jeff and (b)(6) decided to handle this as an Information Layer Contact matter.

Please also save this instant email thread as a CRCL internal email.

Thank you.

(b)(6)

Policy Advisor

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

202-357 (b)(6)

(b)(6) @hq.dhs.gov

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.

From: (b)(6)
Sent: Wednesday, May 15, 2013 3:19 PM
To: (b)(6)
Cc:
Subject: RE: RE: Quick-Review-Routing-Tasker-Request (05.03.2013 (b)(6) FAX)

I was just chatting with (b)(6) on this one. If you're in tomorrow, (b)(6) then we can talk about it.

Non Responsive

Non Responsive

There's no rush, and I really just propose we bring it to case opening to confirm that everyone agrees it should be info layer.

(b)(6)

Senior Policy Advisor
Office for Civil Rights and Civil Liberties
(202) 357-(b)(6)
(b)(6)@dhs.gov

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security's Office of the General Counsel before disclosing any information contained in this email.

From: (b)(6)
Sent: Wednesday, May 15, 2013 3:03 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: RE: Quick-Review-Routing-Tasker-Request (05.03.2013 (b)(6) FAX)

Okay.

(b)(6) can you please present this tomorrow? I'll give you the hard copy and EARM printouts now. After you present this matter tomorrow, please give the hard copy with a note on the email printout as to the decision on handling, to (b)(6). She will collect the hard copies of matters presented at tomorrow's case opening meeting.

Thanks,

(b)(6)

From: (b)(6)
Sent: Wednesday, May 15, 2013 2:22 PM
To: CRCLCompliance; (b)(6)
Cc: (b)(6)
Subject: RE: RE: Quick-Review-Routing-Tasker-Request (05.03.2013 (b)(6) FAX)

Let's bring it to case opening to discuss. I imagine it will (b)(5) but let's talk about it with the group.

(b)(6)
Senior Policy Advisor
Office for Civil Rights and Civil Liberties
(202) 357-(b)(6)
(b)(6)@dhs.gov

This message may contain attorney-client communications, attorney work product, and agency deliberative

communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security's Office of the General Counsel before disclosing any information contained in this email.

From: CRCLCompliance
Sent: Tuesday, May 14, 2013 4:42 PM
To: (b)(6) CRCLCompliance; (b)(6)
Cc:
Subject: RE: RE: Quick-Review-Routing-Tasker-Request (05.03.2013 (b)(6) FAX)

Thanks, (b)(6) I'll advise the CRCL Front Office that Compliance will address. At the very least it will be handled as an Info Layer Contact matter.

(b)(5),(b)(6)

(b)(6)

From: (b)(6)
Sent: Tuesday, May 14, 2013 3:59 PM
To: CRCLCompliance; (b)(6)
Cc: (b)(6)
Subject: RE: RE: Quick-Review-Routing-Tasker-Request (05.03.2013 (b)(6) FAX)

Hey all,

I've taken a look at the attached documents.

(b)(5)

(b)(5)

The alleged action, however, was almost 2 ½ years ago. The complaint states they had a warrant though it doesn't address whether it was a criminal or administrative warrant. And according to the I-213, ICE agents were looking for someone else and discovered more people in the residence when they didn't find their target. The complainant also had an approved immediate relative petition and bonded out fairly quickly.

We're addressing "consent" in another complaint, this one may not be one we need to open, but I defer to (b)(6) on this.

Thanks,
(b)(6)

(b)(6)

Policy Advisor
Office for Civil Rights & Civil Liberties

Department of Homeland Security

Phone: (202) 357-(b)(6)

Office Cell: (202) (b)(6)

(b)(6)@dhs.gov



Please consider the environment before printing this e-mail message.

WARNING: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.

From: CRCLCompliance

Sent: Tuesday, May 14, 2013 1:35 PM

To: (b)(6)

Subject: FW: RE: Quick-Review-Routing-Tasker-Request (05.03.2013 (b)(6) FAX)

Hi (b)(6)

At the link below is new correspondence received by fax. A private attorney wrote on behalf of a former ICE detainee with the following text:

Immigration officers accompanied by the police came to our home. They said they had a warrant, I asked them to wait but they came in anyway. I tried to close the door, but the officer put his foot in and forced his way inside. I was also brought down to the floor with the knee of one of the Immigration Officers on my back even though I was not resisting the detention and was cooperating with the officers.

The alleged incident occurred in December 2010. According to EARM, the complainant was bonded out on 1/31/2011.

(b)(5)

The EARM I-213 record states that Mr. (b)(6) provided consent to ICE agents to enter the residence on 12/10/2012. The incoming correspondence does not make clear if he provided consent.

Attached are EARM records for reference.

Thanks,

(b)(6)

Policy Advisor

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

202-357-(b)(6)

(b)(6)@hq.dhs.gov

From: (b)(6)

Sent: Monday, May 13, 2013 12:21 PM

To: CRCLCompliance; (b)(6)

Cc: (b)(6)

Subject: RE: Quick-Review-Routing-Tasker-Request (05.03.2013 (b)(6) FAX)

ALCON,

HERE'S A CORRESPONDENCE QUICK-REVIEW-ROUTING-TASKER-REQUEST (*reply all when responding*).

INCOMING CONTACT(S) / DATE(S) (*Click for CRCL shared-drive location*)

05.03.2013 (b)(6) FAX

QUICK-SUMMARY

___ COMPLAINANT, AN ATTORNEY, ALLEGES THAT ICE OFFICERS KNOCKED ON HIS DOOR WITH AN ALLEGED SEARCH WARRANT, HE ASKED TO SEE IT TO WHICH THEY RESPONDED BY FORCING THEIR WAY INTO HIS HOME, FORCING HIM TO THE GROUND AND PUTTING A KNEE ON HIS BACK.

TASK QUESTION(S)

(b)(5)

TASK OUTCOME (*delete non-selections; add others or use comments*)

___ CONCUR WITH TASK-QUESTION (*details in comments*)

___ OTHER TASK (*details in comments*)

COMMENTS (*if any*)

(b)(6)

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

202-357-(b)(6)

202-(b)(6) (c)

(b)(6)

@hq.dhs.gov

Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① **Information about the person who experienced the civil rights/civil liberties violation**
(fill in what you can)

Name: (b)(6) (b)(6)

Phone #: Cell: 253 (b)(6) Home: Work: (b)(6)

Please note that we may contact you at the provided numbers.

Mailing Address: (b)(6) Federal Way WA 98003

Date of Birth: (b)(6) Email (optional): (b)(6) @gmail.com

Alien Registration #: (if you have one and it's available): (b)(6)

☐ Check here if you are in detention now.

Which facility? Facility name Facility address

☒ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information (b)(6) Ph. 206 (b)(6) email: (b)(6)

② **Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.**

Name: (b)(6) (b)(6) Attorney Job title

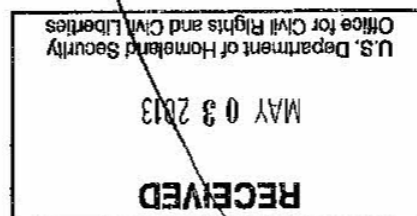
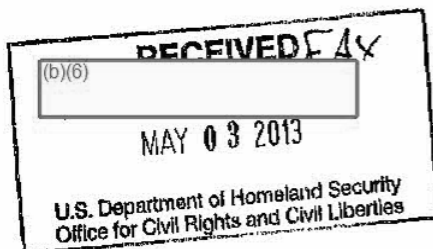
Organization (if any): (b)(6)

Phone #: Cell: Home: Work: 206 (b)(6)

Mailing Address: (b)(6) Seattle WA 98121

③ **What happened? Describe your complaint. Give as much detail about your experience as possible.**

Immigration officers accompanied by the police came to our home. They said they had a warrant, I asked them to wait but they came in anyway. I tried to close the door, but the official put his foot in and forced his way inside. I was also brought down to the floor with the knee of one of the Immigration Officers on my back even though I was not resisting the detention and was cooperating with the officers.



Continue on an additional page, if needed.

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

In December 2010

Where did this happen?

Place (for example, name the detention facility, airport, other):

(b)(6)

98003

City: Federal Way

State or Country: WA

④ Who treated you unfairly?

An employee, contractor, or officer of (check as many as apply):

- | | |
|---|---|
| ☐ Citizenship and Immigration Services (USCIS) | ☐ Not sure which DHS office |
| ☐ Customs and Border Protection (CBP)* | ☐ Non-DHS employee working under the authority of DHS (e.g., 287g officer) |
| ☐ Customs Officer | specify: _____ |
| ☐ Border Patrol Agent | |
| ☐ Federal Emergency Management Agency (FEMA) | |
| ☒ Immigration and Customs Enforcement (ICE) | |
| ☐ Secret Service (USSS) | |
| ☐ Transportation Security Administration (TSA)* | |
| ☐ U.S. Coast Guard (USCG) | |
| ☐ Other DHS program (specify): _____ | |

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency):

(b)(6)

Mailing Address:

(b)(6)

Phone No.: 253

(b)(6)

Email:

(b)(6)

@yahoo.com

Names (or other information, e.g., agency):

Mailing Address:

Phone No.:

Email:

Continue on an additional page, if needed.

⑥ Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?

☐ Yes: Agency/Office/Court _____ Date: _____
☒ No

If so, has anyone responded to your complaint?

☐ Yes ☐ No

If Yes, describe what has been done to respond to your complaint:

Continue on an additional page, if needed.

⑦ Is there any other information you want us to know about or consider?

Continue on an additional page, if needed.

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: crcl@dhs.gov

Phone: Local: 202-401-1474 or
Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470
Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security
CRCL/Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop #0190
Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ To submit this form by email, please save, attach, and send to crcl@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to crcl@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to www.dhs.gov/crcl.

To learn more about the Privacy Act go to the Federal Information Center, www.pueblo.gsa.gov.

You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.

CRCLCompliance

From: CRCLCompliance
Sent: Tuesday, August 20, 2013 3:29 PM
To: (b)(6)
Subject: Follow-up to CRCL Contact-DHS-13-0500
Attachments: Contact-DHS-13-0500 (05.03.2013).pdf

Dear Ms. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



**Homeland
Security**

This message, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying "received in error," and delete the message. In addition, this document may be used FOR OFFICIAL USE ONLY (FOUO) and/or contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). Therefore, it is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information, and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. Thank you.



**Homeland
Security**

August 20, 2013

(b)(6)

2200 Sixth Ave, Ste 835
Seattle, WA 98121

(b)(6)

Re: Contact No. Contact-DHS-13-0500

(b)(6)

Dear Ms. (b)(6)

The U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received information from you on May 3, 2013, on behalf of (b)(6)

(b)(6) Thank you for bringing your concerns to our attention.

After carefully reviewing the information you provided, CRCL has recorded the issues you have raised in a database so that we can track those issues in order to identify patterns of violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security. CRCL will take no further action on your information at this time. For more information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

Please be advised that CRCL does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use information in correspondence like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-13-0500 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2013-08-06 10:42	Update	Summary	On May 3, 2013, CRCL received a fax correspondence from private attorney (b)(6) PLLC on behalf of Mr. (b)(6), alleging excessive or inappropriate use of force by ICE officers toward Mr. (b)(6).	9186	(b)(6)	User Change
DhsComplaint	2013-08-06 10:42	Update	Executive Summary	On May 3, 2013, CRCL received a fax correspondence from a private attorney of (b)(6) PLLC on behalf of her client, alleging excessive or inappropriate use of force by ICE officers toward the complainant at his home in Federal Way, Washington	9186		User Change
DhsComplaint	2013-08-06 10:42	Update	Days to Process	95	9186		User Change
DhsComplaint	2013-07-30 11:27	Update	Sender Type		9186		User Change
DhsComplaint	2013-07-30 11:16	Create	Component Referenced	ICE	9186		User Change
DhsComplaint	2013-07-30 11:16	Create	Summary	On May 3, 2013, CRCL received a fax correspondence from Attorney (b)(6) PLLC on behalf of her client Mr. (b)(6), alleging excessive or inappropriate use of force by ICE officers sometime	9186		User Change
DhsComplaint	2013-07-30 11:16	Create	Executive Summary	On May 3, 2013, CRCL received a fax correspondence from an Attorney on behalf of her client alleging excessive or inappropriate use of force by ICE officers sometime in December 2010. Her client alleges that ICE officers knocked on his door with an allege	9186		User Change
DhsComplaint	2013-07-30 11:16	Create	Days to Process	88	9186		User Change
DhsComplaint	2013-07-30 11:16	Create	Date to CRCL	05/03/2013	9186		User Change
DhsComplaint	2013-07-30	Create	Date to DHS	05/03/2013	9186		User Change

DhsComplaint	11:16 2013-07-30 11:16	Create	Date on Correspondence	05/03/2013		9186	User Change
DhsComplaint	2013-07-30 11:16	Create	Number of Complainants	1		9186	User Change
DhsComplaint	2013-07-30 11:16	Create	Sender Type	NGO/Organization		9186	User Change
DhsComplaint	2013-07-30 11:16	Create	Method of Receipt	Fax		9186	User Change
DhsComplaint	2013-07-30 11:16	Create	Entry Date	07/30/2013		9186	User Change
DhsComplaintAction	2013-08-20 15:31	Create	Comments	Per Jeff Blumberg and [REDACTED] on 7/25/2013. [REDACTED] [REDACTED] Send a response letter to Ms. [REDACTED]		111218	User Change
DhsComplaintAction	2013-08-20 15:31	Create	Document	Contact-DHS-13-0500 (05.03.2013).pdf		111218	User Change
DhsComplaintAction	2013-08-20 15:31	Create	Action Date	08/20/2013		111218	User Change
DhsComplaintAction	2013-08-20 15:31	Create	Action	Respond to Sender with no further action		111218	User Change
DhsComplaintDocument	2013-07-30 11:23	Create	Foreign Language	No		91570	User Change
DhsComplaintDocument	2013-07-30 11:23	Create	Document 1	[REDACTED] EARM Encounter.pdf		91570	User Change
DhsComplaintDocument	2013-07-30 11:23	Create	Document 3	[REDACTED] EARM Detention.pdf		91570	User Change
DhsComplaintDocument	2013-07-30 11:23	Create	Dateentered	07/30/2013		91570	User Change
DhsComplaintDocument	2013-07-30 11:23	Create	Document 2	[REDACTED] EARM Comments.pdf		91570	User Change

DhsComplaintDocument	2013-07-30 11:23	Create	Document Type	Miscellaneous Material/Other	91570	(b)(6)	User Change
DhsComplaintDocument	2013-07-30 11:22	Update	Comments	CRCL internal email	91569		User Change
DhsComplaintDocument	2013-07-30 11:22	Create	Foreign Language	No	91569		User Change
DhsComplaintDocument	2013-07-30 11:22	Create	Document 1	05.03.2013 (b)(6) pdf	91569		User Change
DhsComplaintDocument	2013-07-30 11:22	Create	Dateentered	07/30/2013	91569		User Change
DhsComplaintDocument	2013-07-30 11:22	Create	Document Type	Miscellaneous Material/Other	91569		User Change
DhsComplaintDocument	2013-07-30 11:17	Create	Foreign Language	No	91568		User Change
DhsComplaintDocument	2013-07-30 11:17	Create	Document 1	05.03.2013 (b)(6) pdf	91568		User Change
DhsComplaintDocument	2013-07-30 11:17	Create	Dateentered	07/30/2013	91568		User Change
DhsComplaintDocument	2013-07-30 11:17	Create	Document Type	Incoming Letter	91568		User Change
DhsComplaintIssue	2013-08-06 10:43	Update	Situation	DHS law enforcement activity	14588		User Change
DhsComplaintIssue	2013-08-06 10:43	Update	(b)(5)	(b)(5)	14588		User Change
DhsComplaintIssue	2013-07-30 11:21	Create	(b)(5)	(b)(5)	14588		User Change
DhsComplaintIssue	2013-07-30 11:21	Create	Ongoing	No	14588		User Change
DhsComplaintIssue	2013-07-30	Create	Situation	Immigration detention	14588		User

	11:21							(b)(6)	Change
DhsComplaintIssue	2013-07-30 11:21	Create	Redirect to Subject	No				14588	User Change
DhsComplaintIssue	2013-07-30 11:21	Create	Primary Issue	Yes				14588	User Change
DhsComplaintPartiesInvolved	2013-07-30 11:19	Create	Contact Type	Sender				24541	User Change
DhsComplaintPartiesInvolved	2013-07-30 11:19	Create	Last Name	(b)(6)				24541	User Change
DhsComplaintPartiesInvolved	2013-07-30 11:19	Create	First Name	(b)(6)				24541	User Change
DhsComplaintPartiesInvolved	2013-07-30 11:19	Create	Alien Registration	(b)(6)				24541	User Change
DhsComplaintPartiesInvolved	2013-07-30 11:18	Create	Prefix	Atty				24540	User Change
DhsComplaintPartiesInvolved	2013-07-30 11:18	Create	Contact Type	Attorney				24540	User Change
DhsComplaintPartiesInvolved	2013-07-30 11:18	Create	Last Name	(b)(6)				24540	User Change
DhsComplaintPartiesInvolved	2013-07-30 11:18	Create	Comments	(b)(6)			PLLC	24540	User Change
DhsComplaintPartiesInvolved	2013-07-30 11:18	Create	First Name	(b)(6)				24540	User Change

From: (b)(6)@hotmail.com]
Sent: Tuesday, August 06, 2013 1:38 PM
To: CRCL
Subject: PLEASE HELP SAVE OUR DAD

To whom this may concern,

My name is (b)(6) and I am seeking justice for (b)(6). He is being held at Stewart Detention Center. He was arrested by I.C.E whom arrested him under false pretenses. I.C.E arrived at his residence at 6 am searching for another man, the minors at the home let officers in to search, showing proof that the man they were seeking was not in the home. They had no photo or warrant for (b)(6). They awakened (b)(6) out of his sleep & requested his residency card which he showed full cooperation, and they arrested him stating his residency was expired which was clearly false information. His residency was renewed and the proof is in their systems. (b)(6) is an American citizen and should be treated as an equal. (b)(6) has been in this country over 27 years, the only family he has are Americans, he is not just an Immigrant he is a hard worker, loving father and grandfather, as well as a man of his word, many can vouch (b)(6) is a standup guy. It is not fair that one mistake in his past should define his character, seeing everyone makes mistakes. He has no life in Mexico his life is in the United States, with people he loves and who love him too. Taking (b)(6) will devastate our family. The immigrants are treated so unfairly, when trying to get a Lawyer no one wants to handle the case, the information needed to start the case I.C.E has in custody and won't release it to his family, Examples his green card & birth certificate. We his family and friends will do whatever it takes to end this process of deportation. If there is anything that can be done and someone can find it in their hearts to help us, please contact (b)(6)

(daughter) 470-(b)(6) or contact me (b)(6)
(daughter) via email @ (b)(6) @hotmail .com or by
phone 678-(b)(6) it would be greatly appreciated. Thank
you for your time, have a blessed day.

Thank you.

(b)(6)

Policy Advisor

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

202-357 (b)(6)

(b)(6) [@hq.dhs.gov](mailto:(b)(6)@hq.dhs.gov)

CRCLCompliance

From: CRCLCompliance
Sent: Friday, November 29, 2013 3:58 PM
To: (b)(6)@hotmail.com'
Subject: Follow-up to CRCL Contact-DHS-13-0519
Attachments: Contact-DHS-13-0519 (08.06.2013).pdf

Dear Ms. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



**Homeland
Security**

This message, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying "received in error," and delete the message. In addition, this document may be used FOR OFFICIAL USE ONLY (FOUO) and/or contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). Therefore, it is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information, and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. Thank you.



Homeland
Security

November 23, 2013

(b)(6)

Re: Contact Number-DHS-13-0519

Dear Ms. (b)(6)

The U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received information from you on August 6, 2013, on behalf of your father (b)(6)

(b)(6) Thank you for bringing your concerns to our attention.

After carefully reviewing the information you provided, CRCL has recorded it in a database so that we can track issues of the type you raised in order to identify patterns of violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security. If we need additional information from you, we will contact you.

Also, CRCL has determined that the ICE Community and Detainee Helpline is the most appropriate venue to address your concerns. The ICE Community and Detainee Helpline addresses individual complaints and concerns regarding ICE policies, programs, and operations. You may contact that Office by calling 1-888-351-4024, Monday through Friday (8AM to 8PM EST) or by contacting one of the following addresses:

Department of Homeland Security
Community and Detainee Helpline
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20536

Email: ERO.Outreach@ice.dhs.gov

In the future, should you have a civil rights and civil liberties complaint involving DHS, you may also directly contact CRCL at one of the following addresses:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop #0190
Washington, DC 20528

Email: CRCLCompliance@hq.dhs.gov

Thank you again for contacting the Department of Homeland Security.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-13-0519 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2013-08-14 17:33	Update	Summary	On August 6, 2013, CRCL received email correspondence from (b)(6) on behalf of her father, (b)(6). (b)(6) states that Mr. (b)(6) is currently in ICE custody at Stewart Detention Center in Lumpkin, Georgia. She s	9205	(b)(6)	User Change
DhsComplaint	2013-08-14 17:33	Update	Days to Process	8	9205		User Change
DhsComplaint	2013-08-13 16:01	Update	Summary	On August 6, 2013, CRCL received email correspondence from (b)(6) on behalf of her father (b)(6). (b)(6) states that Mr. (b)(6) is currently in ICE custody at Stewart Detention Center in Lumpkin, Georgia. She states that on a	9205		User Change
DhsComplaint	2013-08-13 16:01	Update	Days to Process	7	9205		User Change
DhsComplaint	2013-08-07 09:36	Create	Component Referenced	ICE	9205		User Change
DhsComplaint	2013-08-07 09:36	Create	Summary	On August 6, 2013, CRCL received email correspondence from (b)(6) on behalf of her father (b)(6). (b)(6) states that Mr. (b)(6) is currently in ICE custody at Stewart Detention Center in Lumpkin, Georgia. She states that on a	9205		User Change
DhsComplaint	2013-08-07 09:36	Create	Executive Summary	On August 6, 2013, CRCL received email correspondence from an individual on behalf of his/her parent. The individual states that the parent is currently in ICE custody at Stewart Detention Center in Lumpkin, Georgia. The individual states that on an uns	9205		User Change
DhsComplaint	2013-08-07 09:36	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	9205		User Change
DhsComplaint	2013-08-07 09:36	Create	Days to Process	1	9205		User Change
DhsComplaint	2013-08-07	Create	Date to CRCL	08/06/2013	9205		User Change

	09:36		Create	Date to DHS	08/06/2013			(b)(6)	User Change
DhsComplaint	2013-08-07 09:36		Create	Date to DHS	08/06/2013		9205		User Change
DhsComplaint	2013-08-07 09:36		Create	Date on Correspondence	08/06/2013		9205		User Change
DhsComplaint	2013-08-07 09:36		Create	Number of Complainants	1		9205		User Change
DhsComplaint	2013-08-07 09:36		Create	Sender Type	Individual		9205		User Change
DhsComplaint	2013-08-07 09:36		Create	Method of Receipt	Email		9205		User Change
DhsComplaint	2013-08-07 09:36		Create	Entry Date	08/07/2013		9205		User Change
DhsComplaint	2013-08-20 15:54		Update	Summary	On August 6, 2013, CRCL received email correspondence from (b)(6) on behalf of her father (b)(6) who is detained in ICE custody at Stewart Detention Center in Lumpkin, Georgia. Ms. (b)(6) states that on an unspecified		9205		User Change
DhsComplaint	2013-08-20 15:54		Update	Executive Summary	On August 6, 2013, CRCL received email correspondence from a woman on behalf of her father, who is detained in ICE custody at Stewart Detention Center in Lumpkin, Georgia. She states that on an unspecified date at 6 a.m., ICE arrived at her father's resi		9205		User Change
DhsComplaint	2013-08-20 15:54		Update	Days to Process	14		9205		User Change
DhsComplaintAction	2013-11-29 16:03		Create	Document	Contact-DHS-13-0519 (08.06.2013).pdf		111785		User Change
DhsComplaintAction	2013-11-29 16:03		Create	Action Date	11/29/2013		111785		User Change
DhsComplaintAction	2013-11-29 16:03		Create	Action	Respond to Sender with no further action		111785		User Change
DhsComplaintAction	2013-11-29		Create	Comments	Per (b)(6) on 09/20/2013, keep in (b)(5) Ms (b)(6) advising that she or Mr (b)(6) may contact		111785		User Change

	16:03			ICE CDH regarding thier concerns. CRCL does not need to forward this to ICE CD		(b)(6)	User Change
DhsComplaintDocument	2013-08-13 15:48	Create	Document 1	08.13.2013 ERO request for alien number (b)(6) pdf	91732	(b)(6)	User Change
DhsComplaintDocument	2013-08-13 15:48	Create	Foreign Language	No	91732	(b)(6)	User Change
DhsComplaintDocument	2013-08-13 15:48	Create	Document Type	Miscellaneous Material/Other	91732	(b)(6)	User Change
DhsComplaintDocument	2013-08-13 15:48	Create	Dateentered	08/13/2013	91732	(b)(6)	User Change
DhsComplaintDocument	2013-08-14 17:34	Create	Document 1	(b)(6) EARM Encounter Record.pdf	91754	(b)(6)	User Change
DhsComplaintDocument	2013-08-14 17:34	Create	Document 2	(b)(6) EARM Comments Record.pdf	91754	(b)(6)	User Change
DhsComplaintDocument	2013-08-14 17:34	Create	Document 3	(b)(6) EARM Detention History.pdf	91754	(b)(6)	User Change
DhsComplaintDocument	2013-08-14 17:34	Create	Foreign Language	No	91754	(b)(6)	User Change
DhsComplaintDocument	2013-08-14 17:34	Create	Document Type	Miscellaneous Material/Other	91754	(b)(6)	User Change
DhsComplaintDocument	2013-08-14 17:34	Create	Comments	EARM records for (b)(6)	91754	(b)(6)	User Change
DhsComplaintDocument	2013-08-14 17:34	Create	Dateentered	08/14/2013	91754	(b)(6)	User Change
DhsComplaintDocument	2013-08-07 09:43	Create	Document 1	08.06.2013 (b)(6) pdf	91668	(b)(6)	User Change
DhsComplaintDocument	2013-08-07 09:43	Create	Foreign Language	No	91668	(b)(6)	User Change
DhsComplaintDocument	2013-08-07 09:43	Create	Document Type	Incoming Letter	91668	(b)(6)	User Change

DhsComplaintDocument	2013-08-07 09:43	Create	Dateentered	08/07/2013		91668	(b)(6)	User Change
DhsComplaintIssue	2013-08-20 15:49	Update	Incident Date	07/24/2013		14617		User Change
DhsComplaintIssue	2013-08-20 15:48	Update	Incident Date	07/24/2013		14618		User Change
DhsComplaintIssue	2013-08-20 15:56	Update	State	Georgia - GA		14617		User Change
DhsComplaintIssue	2013-08-20 15:56	Update	City	Norcross		14617		User Change
DhsComplaintIssue	2013-08-20 15:56	Update	Comments	.		14617		User Change
DhsComplaintIssue	2013-08-20 15:56	Update	State	Georgia - GA		14618		User Change
DhsComplaintIssue	2013-08-20 15:56	Update	City	Norcross		14618		User Change
DhsComplaintIssue	2013-08-20 15:56	Update	Comments			14618		User Change
DhsComplaintIssue	2013-08-07 09:51	Create	Situation	DHS law enforcement activity		14618		User Change
DhsComplaintIssue	2013-08-07 09:51	Create	Country	United States		14618		User Change
DhsComplaintIssue	2013-08-07 09:51	Create	Primary Issue	No		14618		User Change
DhsComplaintIssue	2013-08-07 09:51	Create	(b)(5)	(b)(5)		14618		User Change
DhsComplaintIssue	2013-08-07 09:51	Create	Redirect to Subject	No		14618		User Change
DhsComplaintIssue	2013-08-07	Create	Incident Date	08/06/2013		14618		User

09:51		Create	Comments	Ms. (b)(6) does not specify when or where this incident occurred other than the fact that it occurred at Mr. (b)(6) residence.	14618	(b)(6)	Change
2013-08-07 09:51	DhsComplaintIssue	Create					User Change
2013-08-07 09:51	DhsComplaintIssue	Create	Ongoing	No	14618		User Change
2013-08-07 09:51	DhsComplaintIssue	Create	Incident Location Type	Residence	14618		User Change
2013-08-07 09:50	DhsComplaintIssue	Create	Situation	DHS law enforcement activity	14617		User Change
2013-08-07 09:50	DhsComplaintIssue	Create	Country	United States	14617		User Change
2013-08-07 09:50	DhsComplaintIssue	Create	Primary Issue	Yes	14617		User Change
2013-08-07 09:50	DhsComplaintIssue	Create	(b)(5)	(b)(5)	14617		User Change
2013-08-07 09:50	DhsComplaintIssue	Create	Redirect to Subject	No	14617		User Change
2013-08-07 09:50	DhsComplaintIssue	Create	Incident Date	08/06/2013	14617		User Change
2013-08-07 09:50	DhsComplaintIssue	Create	Comments	Ms. (b)(6) does not specify when or where this incident occurred other than the fact that it occurred at Mr. (b)(6) residence.	14617		User Change
2013-08-07 09:50	DhsComplaintIssue	Create	Ongoing	No	14617		User Change
2013-08-07 09:50	DhsComplaintIssue	Create	Incident Location Type	Residence	14617		User Change
2013-08-07 09:48	DhsComplaintPartiesInvolved	Create	Address Line 2	(b)(6)	24574		User Change
2013-08-07 09:48	DhsComplaintPartiesInvolved	Create	State	Georgia - GA	24574		User Change
2013-							

DhsComplaintPartiesInvolved	08-07 09:48	Create	Zip Code	31815		24574	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 08-07 09:48	Create	Last Name	(b)(6)		24574		User Change
DhsComplaintPartiesInvolved	2013- 08-07 09:48	Create	City	Lumpkin		24574		User Change
DhsComplaintPartiesInvolved	2013- 08-07 09:48	Create	Contact Type	On Behalf Of		24574		User Change
DhsComplaintPartiesInvolved	2013- 08-07 09:48	Create	First Name	(b)(6)		24574		User Change
DhsComplaintPartiesInvolved	2013- 08-07 09:48	Create	Address Line 1	Stewart Detention Center		24574		User Change
DhsComplaintPartiesInvolved	2013- 08-07 09:45	Update	Comments	Daughter of (b)(6)	who wrote to CRCL	24572		User Change
DhsComplaintPartiesInvolved	2013- 08-07 09:45	Create	Phone	470-(b)(6)		24573		User Change
DhsComplaintPartiesInvolved	2013- 08-07 09:45	Create	Last Name	(b)(6)		24573		User Change
DhsComplaintPartiesInvolved	2013- 08-07 09:45	Create	Contact Type	Witness		24573		User Change
DhsComplaintPartiesInvolved	2013- 08-07 09:45	Create	First Name	(b)(6)		24573		User Change
DhsComplaintPartiesInvolved	2013- 08-07 09:45	Create	Comments	Daughter of (b)(6)	who (b)(6) lists as another point of contact in her letter to CRCL	24573		User Change
DhsComplaintPartiesInvolved	2013- 08-07 09:44	Create	Email	(b)(6)	@hotmail.com	24572		User Change
DhsComplaintPartiesInvolved	2013- 08-07 09:44	Create	Phone	678-(b)(6)		24572		User Change
DhsComplaintPartiesInvolved	2013- 08-07 09:44	Create	Last Name	(b)(6)		24572		User Change

DhsComplaintPartiesInvolved	2013-08-07 09:44	Create	Contact Type	Sender		24572	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013-08-07 09:44	Create	First Name	(b)(6)		24572		User Change
DhsComplaintPartiesInvolved	2013-08-07 09:44	Create	Comments	Daughter of (b)(6)		24572		User Change

From: (b)(6)
To: CRCL Compliance
Subject: civil rights complaint - (b)(6)
Date: Tuesday, February 25, 2014 5:10:13 AM
Attachments: (b)(6) - crcl-complaint-submission-form.pdf
Importance: High

Please find attached a Civil Rights Complaint filed on behalf of Mr. (b)(6)

You should feel free to contact me on my cell phone (#405-(b)(6)) if you have any questions or need additional information.

(b)(6)

Oklahoma City, OK 73159

Mailing Address: (b)(6)

Oklahoma City, OK 73144 (b)(6)

TEL (405) (b)(6)

FAX (405)

(b)(6)

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From: CRCLCompliance
To: (b)(6)
Subject: DHS CRCL Contact-DHS-14-0190
Date: Monday, April 14, 2014 2:45:00 PM
Attachments: Contact-DHS-14-0190 (02.25.2014).pdf

Dear Mr. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



**Homeland
Security**

This message, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply e-mail, and delete the message.



Homeland
Security

April 14, 2014

Via Electronic Mail

(b)(6)

Oklahoma City, OK 73159

(b)(6)

Re: Contact-DHS-14-0190

Dear Mr. (b)(6)

The U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received information from you on February 25, 2014. Thank you for bringing your concerns to our attention.

After carefully reviewing the information you provided, CRCL has recorded it in our database so that we can track issues of the type you raised in order to identify patterns of violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security. If we need additional information from you, we will contact you.

CRCL has determined that the U.S. Immigration and Customs Enforcement Community and Detainee Helpline (ICE CDH) may be the appropriate venue to address your concerns. ICE CDH addresses individual complaints and concerns regarding ICE policies, programs, and operations. We have forwarded your correspondence to ICE CDH for their review and any action they consider appropriate. You may contact ICE CDH by calling 1-888-351-4024, Monday through Friday (8AM to 8PM EST) or by contacting one of the following addresses:

Department of Homeland Security
Community and Detainee Helpline
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20536

Email: ERO.Outreach@ice.dhs.gov

In the future, should you have a civil rights and civil liberties complaint involving DHS, you may also directly contact CRCL at one of the following addresses:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop #0190
Washington, DC 20528

Email: CRCLCompliance@hq.dhs.gov

Thank you again for contacting the Department of Homeland Security.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-14-0190 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2014-02-25 14:38	Update	Summary	DRAFT SUMMARY On February 25, 2014, CRCL received email correspondence from attorney (b)(6) who alleges that his client (b)(6) was subject to racial discrimination from the Cleveland County (Oklahoma) Sheriff's Office and ICE	9506	(b)(6)	User Change
DhsComplaint	2014-02-25 14:16	Update	Summary	On February 25, 2014, CRCL received email correspondence from attorney (b)(6) who alleges that his client (b)(6) was subject to racial discrimination from the Cleveland County (Oklahoma) Sheriff's Office and ICE ERO. Mr. (b)(6)	9506	(b)(6)	User Change
DhsComplaint	2014-02-25 13:17	Create	Component Referenced	ICE	9506	(b)(6)	User Change
DhsComplaint	2014-02-25 13:17	Create	Summary	TBE	9506	(b)(6)	User Change
DhsComplaint	2014-02-25 13:17	Create	Days to Process	0	9506	(b)(6)	User Change
DhsComplaint	2014-02-25 13:17	Create	Date to CRCL	02/25/2014	9506	(b)(6)	User Change
DhsComplaint	2014-02-25 13:17	Create	Date to DHS	02/25/2014	9506	(b)(6)	User Change
DhsComplaint	2014-02-25 13:17	Create	Date on Correspondence	02/25/2014	9506	(b)(6)	User Change
DhsComplaint	2014-02-25 13:17	Create	Number of Complainants	1	9506	(b)(6)	User Change
DhsComplaint	2014-02-25 13:17	Create	Sender Type	Individual	9506	(b)(6)	User Change
DhsComplaint	2014-02-25	Create	Method of Receipt	Email	9506	(b)(6)	User Change

	13:17	Create	Entry Date	02/25/2014	9506	(b)(6)	User Change
DhsComplaint	2014-02-25 13:17	Create	Entry Date	02/25/2014	9506	(b)(6)	User Change
DhsComplaint	2014-03-04 16:57	Update	Summary	On February 25, 2014, CRCL received email correspondence from attorney (b)(6) on behalf of (b)(6) alleges that Mr (b)(6) and other Latino residents of a trailer park in Norman, Oklahoma hav	9506	(b)(6)	User Change
DhsComplaint	2014-03-04 16:55	Update	Days to Process	7	9506	(b)(6)	User Change
DhsComplaint	2014-03-04 16:55	Update	Summary	On February 25, 2014, CRCL received email correspondence from attorney (b)(6) on behalf of (b)(6) alleges that Mr (b)(6) and other Latino residents of a trailer park in Norman, Oklahoma	9506	(b)(6)	User Change
DhsComplaint	2014-02-25 16:57	Update	Allegation	(CR/CL) Civil Rights/Civil Liberty	9506	(b)(6)	User Change
DhsComplaintAction	2014-04-14 15:01	Create	Document	Contact-DHS-14-0190 (02.25.2014).pdf	113105	(b)(6)	User Change
DhsComplaintAction	2014-04-14 15:01	Create	Action Date	04/14/2014	113105	(b)(6)	User Change
DhsComplaintAction	2014-04-14 15:01	Create	Action	Respond to Sender with no further action	113105	(b)(6)	User Change
DhsComplaintAction	2014-04-14 11:50	Update	Comments	03/06/2014 - Per (b)(6) at case opening meeting, (b)(5) (b)(5) 04/14/2014 - (b)(6) tasked to (b)(6) to send Info Layer response letter and close in Entellitrak. N	113098	(b)(6)	User Change
DhsComplaintAction	2014-04-14 11:27	Create	Comments	03/06/2014 - Per (b)(5) at case opening meeting, (b)(5) (b)(5) 04/14/2014 - (b)(6) tasked to (b)(6) to esnd Info Layer response letter and close in Entellitrak. N	113098	(b)(6)	User Change
DhsComplaintAction	2014-04-14 11:27	Create	Action Date	04/14/2014	113098	(b)(6)	User Change

DhsComplaintAction	2014-04-14 11:27	Create	Action	Notes	113098	(b)(6)	User Change
DhsComplaintDocument	2014-02-25 16:57	Create	Foreign Language	No	93540		User Change
DhsComplaintDocument	2014-02-25 16:57	Create	Dateentered	02/25/2014	93540		User Change
DhsComplaintDocument	2014-02-25 16:57	Create	Document 1	02.25.2014 (b)(6).pdf	93540		User Change
DhsComplaintDocument	2014-02-25 16:57	Create	Document Type	Incoming Letter	93540		User Change
DhsComplaintDocument	2014-02-25 13:49	Create	Foreign Language	No	93528		User Change
DhsComplaintDocument	2014-02-25 13:49	Create	Dateentered	02/25/2014	93528		User Change
DhsComplaintDocument	2014-02-25 13:49	Create	Document 2	(b)(6) History.pdf	93528		User Change
DhsComplaintDocument	2014-02-25 13:49	Create	Document 1	(b)(6) Record.pdf	93528		User Change
DhsComplaintDocument	2014-02-25 13:49	Create	Document 3	(b)(6) Record.pdf	93528		User Change
DhsComplaintDocument	2014-02-25 13:49	Create	Comments	EARM Records	93528		User Change
DhsComplaintDocument	2014-02-25 13:49	Create	Document Type	Miscellaneous Material/Other	93528		User Change
DhsComplaintIssue	2014-02-25 13:42	Create	City	Norman	15009		User Change
DhsComplaintIssue	2014-02-25 13:42	Create	Race	Latino/Hispanic	15009		User Change
DhsComplaintIssue	2014-02-25	Create	Incident Date	01/14/2011	15009		User

	13:42								(b)(6)	Change
DhsComplaintIssue	2014-02-25 13:42	Create	State	Oklahoma - OK	15009					User Change
DhsComplaintIssue	2014-02-25 13:42	Create	Ongoing	No	15009					User Change
DhsComplaintIssue	2014-02-25 13:42	Create	Primary Issue	Yes	15009					User Change
DhsComplaintIssue	2014-02-25 13:42	Create	Incident Location Type	Other	15009					User Change
DhsComplaintIssue	2014-02-25 13:42	Create	Situation	DHS law enforcement activity	15009					User Change
DhsComplaintIssue	2014-02-25 13:42	Create	Other Incident Location	Road outside of neighborhood	15009					User Change
DhsComplaintIssue	2014-02-25 13:42	Create	Comments	EARM notes that the arrest was made 1/14/2011, but the complaint suggests that the arrest was made in July of 2011.	15009					User Change
DhsComplaintIssue	2014-02-25 13:42	Create	Redirect to Subject	No	15009					User Change
DhsComplaintIssue	2014-02-25 13:42	Create	(b)(5)	(b)(5)	15009					User Change
DhsComplaintIssue	2014-03-02 16:16	Update	Ethnicity	Hispanic or Latino	15009					User Change
DhsComplaintIssue	2014-03-02 16:16	Update	Comments	EARM notes that the arrest was made 1/14/2011, but the incoming correspondence does not provide an arrest date and implies that the arrest was made in July of 2011.	15009					User Change
DhsComplaintPartiesInvolved	2014-03-02 16:14	Update	Alien Registration	(b)(6)	25110					User Change
DhsComplaintPartiesInvolved	2014-03-02 16:13	Update	Comments	Attorney at the Law Offices of (b)(6) PLLC	25111					User Change
DhsComplaintPartiesInvolved	2014-03-02 16:13	Update	Email	(b)(6)	25111					User Change
	2014-									

DhsComplaintPartiesInvolved	02-25 13:21	Create	Middle Name	(b)(6)	25111	(b)(6)	User Change
DhsComplaintPartiesInvolved	2014- 02-25 13:21	Create	City	Oklahoma City	25111		User Change
DhsComplaintPartiesInvolved	2014- 02-25 13:21	Create	Phone	405 (b)(6)	25111		User Change
DhsComplaintPartiesInvolved	2014- 02-25 13:21	Create	Address Line 1	(b)(6)	25111		User Change
DhsComplaintPartiesInvolved	2014- 02-25 13:21	Create	Last Name	(b)(6)	25111		User Change
DhsComplaintPartiesInvolved	2014- 02-25 13:21	Create	Comments	Attorney at the Law Offices of (b)(6)	25111		User Change
DhsComplaintPartiesInvolved	2014- 02-25 13:21	Create	First Name	(b)(6)	25111		User Change
DhsComplaintPartiesInvolved	2014- 02-25 13:21	Create	Contact Type	Sender	25111		User Change
DhsComplaintPartiesInvolved	2014- 02-25 13:21	Create	Sender Anonymous	No	25111		User Change
DhsComplaintPartiesInvolved	2014- 02-25 13:21	Create	Zip Code	73144	25111		User Change
DhsComplaintPartiesInvolved	2014- 02-25 13:21	Create	Alt Phone	405 (b)(6)	25111		User Change
DhsComplaintPartiesInvolved	2014- 02-25 13:21	Create	State	Oklahoma - OK	25111		User Change
DhsComplaintPartiesInvolved	2014- 02-25 13:19	Create	City	Norman	25110		User Change
DhsComplaintPartiesInvolved	2014- 02-25 13:19	Create	Phone	405 (b)(6)	25110		User Change
DhsComplaintPartiesInvolved	2014- 02-25 13:19	Create	Address Line 1	(b)(6)	25110		User Change

DhsComplaintPartiesInvolved	2014-02-25 13:19	Create	Last Name	(b)(6)		(b)(6)	User Change
DhsComplaintPartiesInvolved	2014-02-25 13:19	Create	First Name	(b)(6)			User Change
DhsComplaintPartiesInvolved	2014-02-25 13:19	Create	Contact Type	On Behalf Of			User Change
DhsComplaintPartiesInvolved	2014-02-25 13:19	Create	Zip Code	73069			User Change
DhsComplaintPartiesInvolved	2014-02-25 13:19	Create	Alien Registration	(b)(6)			User Change
DhsComplaintPartiesInvolved	2014-02-25 13:19	Create	State	Oklahoma - OK			User Change

From: CRCL
To: CRCL Compliance
Subject: FW: CRCL Complaint on Behalf of Mr. (b)(6)
Date: Wednesday, February 26, 2014 1:11:45 PM
Attachments: (b)(6) CRCL Complaint.pdf

For review. (b)(6)

From: (b)(6)
Sent: Wednesday, February 26, 2014 12:41 PM
To: CRCL
Subject: CRCL Complaint on Behalf of Mr. (b)(6)

Dear Sir or Madam:

I write as counsel for Mr. (b)(6) a detainee at Hudson County Jail in Kearny, New Jersey. Mr. (b)(6) was detained by immigration authorities following a warrantless search of his apartment in New York City, which he shares with his US Citizen mother and US Citizen brother. As set forth in the complaint and the attached declarations, upon information and belief, the officers who searched the home made threats to the occupants and coerced consent to enter, when they were asked if they had a warrant by Mr. (b)(6) mother. Please contact me directly should you require additional information.

Sincerely,

(b)(6)

Trial Attorney, Immigration Unit
Brooklyn Defender Services
177 Livingston Street, 7th Floor
Brooklyn, NY 11201
(718) (b)(6)
(b)(6)

Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① Information about the person who experienced the civil rights/civil liberties violation
(fill in what you can)

Name: (b)(6) (b)(6)
First and Middle Last

Phone #: Cell: Home: Work:

Please note that we may contact you at the provided numbers.

Mailing Address: c/o (b)(6) Brooklyn Defender Svcs. 177 Livingston St., 7th Fl. Brooklyn, NY 11201
PO Box or Street address City State Zip

Date of Birth: (b)(6) Email (optional):

Alien Registration #: (if you have one and it's available): (b)(6)

☐ Check here if you are in detention now.

Which facility? Hudson County Jail 30-35 Hackensack Ave. Kearny, NJ 07032

Facility name

Facility address

☒ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information (b)(6) Brooklyn Defender Svcs. 177 Livingston St., 7th Fl. Brooklyn, NY 11201 (b)(6)

② Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.

Name: (b)(6)
First Last Job title

Organization (if any): Brooklyn Defender Services

Phone #: Cell: 347- (b)(6) Home: Work: 718- (b)(6)

Mailing Address: 177 Livingston St., 7th Floor, Brooklyn, New York 11201
PO Box or Street address City State Zip

③ What happened? Describe your complaint. Give as much detail about your experience as possible.

Mr. (b)(6) by and through counsel, respectfully submits this complaint regarding constitutional and regulatory violations committed by three immigration enforcement officers who conducted a warrantless search of his home on or about January 21, 2014 at approximately 7AM in the morning. At that time, Mr. (b)(6) was living at (b)(6) New York, NY 10029, with his US Citizen mother, (b)(6) and his US Citizen brother (b)(6).

As set forth in the declarations of Mr. (b)(6) and his mother, all three occupants were sleeping when the officers commenced the enforcement action. Mr. (b)(6) mother eventually went to the door given the officers' "thunderous" knocking. (b)(6) Decl. ¶ 10 (Ex. A). Upon information and belief, the officers did not identify themselves as immigration officers as they were knocking. Additionally, when Ms. (b)(6) asked them if they had a warrant, the officers admitted they did not, but threatened the occupants with destruction and damage to the premises if they were forced to get a warrant. See (b)(6) Decl. ¶ 13; (b)(6) Decl. ¶ 8 (Ex. B). Only when they were threatened in this manner did Mr. (b)(6) mother open the door. Given the threat made by the officers and the fact that they were woken up early in the morning, her consent was involuntary, in violation of the Fourth Amendment to the US Constitution and 8 C.F.R. § 287.8(f)(2). No exigent circumstances justified such an intrusion. The (b)(6) family does not recall the names of the three officers, but recalls that one of them went by the name of (b)(6), (b)(7)(C).

Continue on an additional page, if needed.

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

On or about January 21, 2014 at 7AM.

Where did this happen?

Place (for example, name the detention facility, airport, other): _____

City: New York City State or Country: NY

④ Who treated you unfairly?

An employee, contractor, or officer of (check as many as apply):

- | | |
|---|---|
| ☐ Citizenship and Immigration Services (USCIS) | ☐ Not sure which DHS office |
| ☐ Customs and Border Protection (CBP)* | ☐ Non-DHS employee working under the authority of DHS (e.g., 287g officer) |
| ☐ Customs Officer | specify: _____ |
| ☐ Border Patrol Agent | |
| ☐ Federal Emergency Management Agency (FEMA) | |
| ☒ Immigration and Customs Enforcement (ICE) | |
| ☐ Secret Service (USSS) | |
| ☐ Transportation Security Administration (TSA)* | |
| ☐ U.S. Coast Guard (USCG) | |
| ☐ Other DHS program (specify) : | |

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): (b)(6) mother, see attached declaration)

Mailing Address: (b)(6) New York, NY10029
PO Box or Street address City State or Country Zip

Phone No.: _____ Email: _____

Names (or other information, e.g., agency): _____

Mailing Address: _____
PO Box or Street address City State or Country Zip

Phone No.: _____ Email: _____

Continue on an additional page, if needed.

⑥ **Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?**

☒ **Yes: Agency/Office/Court** Varick Street Immigration Court

Date: 2/21/14

☐ **No**

If so, has anyone responded to your complaint?

☐ **Yes** ☒ **No**

If Yes, describe what has been done to respond to your complaint:

A motion to terminate Mr. (b)(6) proceedings was filed with the Varick Street Immigration Court on February 21, 2014, based on the officers' "egregious" violation of 8 C.F.R. § 287.8(f)(2). The declarations submitted in support of this complaint were also submitted in support of that motion.

Continue on an additional page, if needed.

⑦ **Is there any other information you want us to know about or consider?**

Mr. (b)(6) has been a lawful permanent resident since July 7, 1993, when he came to this country as an 11-year old. He has a 5-year old US Citizen daughter, named (b)(6) who was born on September 25, 2008. He is in removal proceedings on the basis of criminal convictions he incurred approximately 9 years ago. He has had no other convictions since then. In addition to his US Citizen mother, named above, Mr. (b)(6) has a younger US Citizen brother, (b)(6) who is a college student studying to work with special-needs children, and and an older US Citizen sister, (b)(6) who is a child psychologist for New York City public schools.

In support of this complaint, see the attached declarations of (b)(6) (Ex. A) and (b)(6) (Ex. B).

Continue on an additional page, if needed.

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.
-

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: crcl@dhs.gov

Phone: Local: 202-401-1474 or

Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470

Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security

CRCL/Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ To submit this form by email, please save, attach, and send to crcl@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to crcl@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the **types** of complaints, and **do not include personal information**. To read our past reports, go to www.dhs.gov/crcl.

To learn more about the Privacy Act go to the Federal Information Center, www.pueblo.gsa.gov.

You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.

Exhibit A

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
VARICK STREET IMMIGRATION COURT
NEW YORK, NY

In the Matter of

(b)(6)

DECLARATION

In Removal Proceedings

**DECLARATION OF (b)(6) UNDER PENALTY OF PERJURY, 28
U.S.C. § 1746, IN SUPPORT OF RESPONDENT'S MOTION TO TERMINATE**

I, (b)(6) do declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct to the best of my knowledge and belief:

I. Introduction

1. My full name is (b)(6) I am the mother of the Respondent in this case, (b)(6) I was born on (b)(6) I submit this declaration in support of my son's motion to terminate the deportation proceedings.
2. I am a citizen of the United States. I have been a U.S. Citizen since July 5, 2001.
3. I reside at (b)(6) NY NY 10029. I have lived at the address for 14 years – since around 2000. I live there with my youngest child, (b)(6) who is 22 years old and is a student at Borough of Manhattan Community College (BMCC), where he studies early childhood education, specifically focusing on working with autistic children. Before he was arrested by immigration, (b)(6) was also living at that address with us. (b)(6) is the middle child.
4. In addition to (b)(6) I have a daughter, my oldest child. Her name is (b)(6) She works in the Board of Education, stationed in the Bronx, as a child psychologist for New York City public school students. She has worked for the BOE since 2010. (b)(6) has both an MBA from Metropolitan College and a Master's degree in psychology from Touro College.
5. I am a graduate of BMCC with an associate's degree in business administration, and I also graduated from Hunter College with a bachelor's degree in Sociology and minor in Anthropology.

6. Currently, I am working as an independent artist, working on abstract painting.
7. My son (b)(6) is also artistic like me, and he has worked in recording and producing music, in the fashion industry building catwalks, and other things. Like me, he has an entrepreneurial spirit.
8. I am proud of my three children. In addition to their accomplishments, they have been raised in a household where we have strong ethical and moral values of being a citizen of the world.

II. The raid on my home

9. My son (b)(6) was arrested by immigration on the morning of Tuesday, January 21st at approximately 7AM.
10. I remember the time because I was awoken from my bed. Everyone in the apartment was sleeping when the officers came. I was awakened by thunderous, loud, knocking on the door. It was like a volcano erupting. The people knocking on the door shouted "Police! Open the door!"
11. At first, I jumped out of the bed, and was wondering what the problem was.
12. When I heard more knocking and shouting, it was so loud that I didn't think or have time to put on a robe or get myself together. I was terrified, and fear took over me and I went to the living room. I went to door in my pajamas—a top that I had on and some pants. (b)(6) was on the couch, and my other son (b)(6) came out of his room in boxers and no shirt.
13. When I went to the door, I asked, "do you have a warrant?" I didn't know what they wanted or were looking for. One officer said "no, but if I come back with a warrant, I will destroy that whole place."
14. I became even more terrified at hearing this. And knowing that the neighbors were so close, I was also worried about the disturbance for others residents on the floor. I am not a trouble maker, I am respected on the floor, and so is my family.
15. Out of terror, I opened the door. It was like the story of the three little pigs, and I was the trembling mother pig and the officers were the wolves in the story.

16. When I opened the door, I asked "what is the reason for all of this, what is your purpose?" I asked their names, they gave me their first names. I remember one was (b)(6), (b)(7)(C) I forgot the names of the other two. Another name I remember is (b)(6), (b)(7)(C) But they would not tell me who they were a part of—whether the police or some other agency.
17. One officer said they needed (b)(6) for questioning in an unrelated case. They showed me three pictures, 2 guys, and one woman, a blonde woman. They said that (b)(6) knew these people from a music studio where he had worked. Because my son is a musician, I believed this lie. They said they would take him to the nearest precinct for questioning—which I later learned was another lie. And he promised me he is going to come back – he asked me to give (b)(6) \$20 because they bring him to the precinct, but he would need a cab ride back.
18. So then, when they said that, the officers came in. There were three of them. They were all big, stout men, very physically imposing. They were wearing blue vests. None of their uniforms indicated they were immigration officers.
19. One of the men came into the apartment with a flashlight. He went to the couch in the living room, where (b)(6) was, pulled a blanket from him, and started flashing the light in his face. He told him go and get changed. (b)(6) was wearing a pair of shirts and a t-shirt.
20. The officer followed (b)(6) into his room. He was over him like a helicopter while he was changing his clothes. (b)(6) asked him "can I brush my teeth?" the officer said "No" but told him to bring all forms of identification that you have.
21. One other remained by the door blocking it so that no one – not even myself or my son – could go out of our own apartment! As a woman, and in the terrified condition I was in, I did not feel like I could leave myself.
22. When the three men were in my apartment, I recognized one of them from a previous encounter, which involved another lie by these officers.
23. That officer had come to my apartment, sometime in the summer of 2013. Again, there was loud knocking on my door, on a Saturday, maybe in the morning. That time, I just opened the door and asked what was going on. The officer told me that he was looking for (b)(6) in connection with a fraud case. He asked if he could come into my home and search. I asked if they had a warrant to search my apartment. He said no, and that it was up to me whether I would allow him to or not. I said no, so he respected it and left.

He was not aggressive with me that day because he said this was somebody else's case he was working on. I remembered him because he was fascinated by my artwork, and he looked familiar.

24. That lie led (b)(6) and me to do a lot of investigation to figure out if he in fact had an open criminal matter that we were not aware of. We did not find anything – at the precinct or the court – because that was a lie.
25. Once (b)(6) changed, the officer who was hovering over (b)(6) led him out – he had no choice but to leave with them. Like I said, it was like the story of the three little pigs – I, the mother pig, saw the wolves, taking my son. I felt helpless, and that killed me for five days.
26. It killed me because the officers lied, when they said (b)(6) would come back. A few minutes passed, and (b)(6) had to go to work, so he walked to the 101st precinct, where they said they were going to take (b)(6) to. (b)(6) asked them to check in their database for (b)(6) and they had no record, so they referred him to the warrant department on 3rd avenue and 98th. He went there, and again, nothing. So he called me and told me he could not locate (b)(6) and he went to work.
27. The rest of the morning I was dead, and helpless, wondering where and what (b)(6) was going to come back.
28. I had no idea that these were ICE cops who had taken him away. After some time of being anxious and worried, I got a call from (b)(6) approximately 4 hours after. He said, mommy, I do not know where I am and that was it. Then I got another call around 1 or 2 in the afternoon from the Hudson County Correctional Facility and (b)(6) told me that he was detained by immigration, and I broke down. And he said they gave him no bail, and it was for the 2005 criminal convictions he had.
29. Having no idea of the immigration laws or all these things that were going on, I did not know where to turn. I was lost and helpless, and for a few days I was acting as his lawyer, researching and trying to get documents.
30. This intrusion into my family's home has caused such so much pain and embarrassment for me. Worse, it has made me lose faith in the American system – not in America in itself and its people, but in Congress and the law enforcement. I cannot believe that this is possibly legal in a country that promises freedom and justice for all.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on February 20, 2014
in New York, NY.

(b)(6)

A large rectangular area of the document is redacted, indicated by a light gray fill and a black border. The redaction covers the right side of the page, below the signature line.

Exhibit B

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
VARICK STREET IMMIGRATION COURT
NEW YORK, NY

In the Matter of

(b)(6)

RESPONDENT'S DECLARATION

In Removal Proceedings

**DECLARATION OF (b)(6) UNDER PENALTY OF PERJURY, 28
U.S.C. § 1746, IN SUPPORT OF RESPONDENT'S MOTION TO TERMINATE**

I, (b)(6) do declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury,

that the following is true and correct to the best of my knowledge and belief:

I. Introduction

1. My full name is (b)(6) I am the Respondent in the above captioned case. I was born on (b)(6) I submit this declaration in support of my motion to terminate these proceedings.
2. I am a lawful permanent resident of the United States. I have been a lawful permanent resident ever since I was 11 years old.
3. Currently, I am detained by Immigration and Customs Enforcement (ICE) at Hudson County Jail. Before then, I was living at (b)(6) New York, NY 10029, with my younger brother (b)(6) and my mother (b)(6)
4. I have a beautiful five year old daughter, (b)(6) I am no longer in a relationship with her mother but we share in parenting responsibilities.
5. I have been in immigration custody since Immigration and Customs Enforcement (ICE) arrested me in my apartment building on the morning of January 21, 2014.

II. The raid on my home

6. It was approximately 7AM when the officers came. Everyone was asleep—I was on the living room couch, my mother was in her room, and (b)(6) was in his room. All of a sudden, we hear a series of really hard knocks on the front door. The front door is metallic, so it was very loud.
7. After they knocked a number of times, my mother came out of her bedroom in her pajamas and went up to the door to ask who it was. Through the door they asked to speak with me, but gave no identifying information—they didn't tell us who they were with. When my mother asked them what they wanted, the officers said they needed to speak with me about some people that I might know in connection with a case.
8. Then, when my mother asked if they had a warrant, one of the officers said that if he had to get a warrant, they would blow down the door and break everything in the house. That's why my mother likens this invasion of our home to the story of the three little pigs.
9. At that point, my mother opened the door, and three officers came into our apartment, still not telling us what enforcement agency they were with. One officer immediately came up to me and flashed his light in my face while another one was focusing on my mom. The other officer was by the door, blocking it.
10. The officer who was focused on me asked me to come to the precinct to see if I could identify some people for a case. They came with three pictures of people, none of whom I knew. Since I had just woken up and was groggy, I asked them if I could go to the bathroom and at least brush my teeth or shower. The officer said no. I was told to take my wallet and some cash so that I can take a cab back.

11. I put on three layers of thermals and pants and was escorted out by the officers. I noticed that neighbors were poking their heads out, probably because the knocking was so loud. As we made it to the elevator and the doors closed, one of the officers, I think his name is (b)(6),(b)(7)(C) said they were from ICE and they were there to arrest me.
12. When they told me that, I could not believe it, and asked them why they couldn't tell my family their purpose for being there. It was as if they had kidnapped me from my family. Then, one of the three guys, he was African-American, said "your mom is liar anyways. We came one time and she said you weren't there."
13. I could not believe that these officers, who used lies themselves in doing this to us, accused my mother of being a liar. And the previous incident the officer was referring to was another lie on their part. An officer had come by during the summer asking to speak with me in connection with a criminal case—another lie. We went up and down in the precincts and courts trying to figure out what I could have been involved in and found nothing.
14. As I was taken into the van and driven to be booked, I was offended by how disrespectful and hurtful all of this was towards me and my family. And to make things more insulting, the officers talked about the dumbest things the whole ride back, making derogatory comments about women, people in "the ghetto," and other things. The experience was surreal.
15. There was no humanity in all of this. I literally felt like scum. And I felt helpless, knowing that my mother was expecting me to come back, but she didn't know where I was and where I was going.
16. I ask that the Court grant my motion to terminate.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on February 19, 2014
in New York, NY.

(b)(6)



From: (b)(6)
To:
Cc:
Subject: FW: FINAL Info Layer/Close Letter - Contact-DHS-14-0199
Date: Friday, May 16, 2014 12:46:00 PM
Attachments: FINAL Info Layer-Close Letter - Contact-DHS-14-0199.docx

(b)(6)

Can you please PDF and save on the shared the attached Info Layer letter with the new filename **Contact-DHS-14-0199 (02.26.2014)**, then send by email today to the addressee?

Afterward, please combine the transmittal email with the letter into a single file saved on the shared drive. Put a printout of the file in the hard copy file.

Close this Contact with the action *Respond to Sender with No Further Action*, uploading the response letter (including transmittal email) with that action.

(b)(6) is providing you the hard copy of the incoming. Please also print this email thread for the hard copy file.

The hard copy file is ready to file once the above actions are completed.

Please let me know if you have questions.

Thanks,

(b)(6)

202-357-

(b)(6)

(b)(6)

@hq.dhs.gov

From: (b)(6)
Sent: Friday, May 16, 2014 12:30 PM
To: (b)(6)
Cc:
Subject: FINAL Info Layer/Close Letter - Contact-DHS-14-0199

Hello!

The attached final info layer/close letter has been approved and is ready to go out for Contact-DHS-14-0199. Please let me know if you need any additional information.

Thanks,

(b)(6)

(b)(6)

Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Phone: (202) 357-(b)(6)
Office Cell: (202) (b)(6)
(b)(6)@dhs.gov



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From: (b)(6)
Sent: Friday, May 16, 2014 10:43 AM
To: (b)(6)
Cc:
Subject: RE: DRAFT Info Layer/Close Letter - Contact-DHS-14-0199

Hi (b)(6) (b)(5)
(b)(6)

Assistant General Counsel for Strategic Oversight
Legal Counsel Division
Office of the General Counsel
U.S. Department of Homeland Security
202-(b)(6)t)
202-(b)(6)m)

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From: (b)(6)
Sent: Thursday, May 15, 2014 12:10 PM
To: (b)(6)
Cc:
Subject: DRAFT Info Layer/Close Letter - Contact-DHS-14-0199

Hello OGC!

Attached for your review is a DRAFT Info-Layer/close letter for Contact-DHS-14-0199. We decided

(b)(5)

Please let me know if you need any additional information.

Thanks,

(b)(6)

(b)(6)

Policy Advisor

Office for Civil Rights & Civil Liberties

Department of Homeland Security

Phone: (202) 357- (b)(6)

Office Cell: (202) (b)(6)

(b)(6)

@dhs.gov



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From: (b)(6)

Sent: Thursday, May 15, 2014 11:24 AM

To: (b)(6)

Cc:

Subject: RE: DRAFT Info Layer/Close Letter - Contact-DHS-14-0199

Here are my edits. Since we are taking about recs, can we run through OGC?

Thanks!

From: (b)(6)

Sent: Thursday, May 15, 2014 11:02 AM

To: (b)(6)

Cc:

Subject: DRAFT Info Layer/Close Letter - Contact-DHS-14-0199

Hi All,

Attached for your review is a draft information layer/close letter for Contact-DHS-14-0199. We had (b)(5)

previous recommendations. Please let me know if you need any other information.

Thanks,

(b)(6)

(b)(6)

Policy Advisor

Office for Civil Rights & Civil Liberties

Department of Homeland Security

Phone: (202) 357-(b)(6)

Office Cell: (202)-(b)(6)

(b)(6)@dhs.gov



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Homeland
Security

May 16, 2014

Via Electronic Mail

(b)(6)
Brooklyn Defender Services
177 Livingston Street, 7th Floor
Brooklyn, NY 11201
(b)(6)

Re: Contact-DHS-14-0199

(b)(6)

Dear Mr. (b)(6)

On February 26, 2014, the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received information from you on behalf of (b)(6). Specifically you expressed concerns related to an U.S. Immigration and Customs Enforcement (ICE) operation that allegedly took place at Mr. (b)(6) home.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against DHS employees and officials concerning violations of civil rights and civil liberties. After carefully reviewing the information you provided, CRCL believes that work conducted by this Office on other cases relevant to the allegations you outlined will address your concerns. CRCL has made policy recommendations to ICE regarding entry without consent during an enforcement action and will work with ICE on their implementation. CRCL has also recorded the issues you have raised in our database so that we can track those issues in order to identify patterns of violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security. CRCL will take no further action on your information at this time.

Please be advised that CRCL does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on Mr. (b)(6) behalf. Instead, we use information in correspondence like yours to find and address problems in DHS policy and its implementation. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that Mr. (b)(6) or someone else is a victim of such a reprisal, please contact us immediately. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-14-0199 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2014-03-05 10:17	Update	Days to Process	7	9515	(b)(6)	User Change
DhsComplaint	2014-03-05 10:17	Update	Summary	(b)(5) Summary: On February 26, 2014, CRCL received email correspondence from (b)(6) a Trial Attorney with the Immigration Unit of from Brooklyn Defender Services, on behalf of (b)(6)	9515		User Change
DhsComplaint	2014-02-28 17:10	Create	Component Referenced	ICE	9515		User Change
DhsComplaint	2014-02-28 17:10	Create	Summary	DRAFT SUMMARY: On February 26, 2014 CRCL received email correspondence from (b)(6) from (b)(6) Brooklyn Defender Services on behalf of Mr. (b)(6) (b)(6) alleges that on or about January 21, 2014 at approximately 7 a.m. t	9515		User Change
DhsComplaint	2014-02-28 17:10	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	9515		User Change
DhsComplaint	2014-02-28 17:10	Create	Days to Process	2	9515		User Change
DhsComplaint	2014-02-28 17:10	Create	Date to CRCL	02/26/2014	9515		User Change
DhsComplaint	2014-02-28 17:10	Create	Date to DHS	02/26/2014	9515		User Change
DhsComplaint	2014-02-28 17:10	Create	Date on Correspondence	02/26/2014	9515		User Change
DhsComplaint	2014-02-28 17:10	Create	Number of Complainants	1	9515		User Change
DhsComplaint	2014-02-28 17:10	Create	Method of Receipt	Email	9515		User Change

DhsComplaint	2014-02-28 17:10	Create	Entry Date	02/28/2014	9515	(b)(6)	User Change
DhsComplaintAction	2014-05-22 11:17	Create	Action Date	05/22/2014	114034		User Change
DhsComplaintAction	2014-05-22 11:17	Create	Document	Contact-DHS-14-0199 (02.26.2014).pdf	114034		User Change
DhsComplaintAction	2014-05-22 11:17	Create	Action	Respond to Sender with no further action	114034		User Change
DhsComplaintAction	2014-03-06 15:58	Create	Comments	Discussed at case opening meeting. Per (b)(6) to (b)(5) to (b)(6) stating that CRCL has made recommendations to ICE on the issue of consent for	112634		User Change
DhsComplaintAction	2014-03-06 15:58	Create	Action Date	03/06/2014	112634		User Change
DhsComplaintAction	2014-03-06 15:58	Create	Action	Notes	112634		User Change
DhsComplaintDocument	2014-09-04 14:41	Create	Document Type	Miscellaneous Material/Other	96823		User Change
DhsComplaintDocument	2014-09-04 14:41	Create	Comments	May 2014 CRCL internal email and email to OGC regarding draft response letter	96823		User Change
DhsComplaintDocument	2014-09-04 14:41	Create	Document 1	05.16.2014 Contact-DHS-14-0199 CRCL internal email and OGC email re response letter.pdf	96823		User Change
DhsComplaintDocument	2014-09-04 14:41	Create	Foreign Language	No	96823		User Change
DhsComplaintDocument	2014-09-04 14:41	Create	Dateentered	09/04/2014	96823		User Change
DhsComplaintDocument	2014-02-28 17:11	Create	Foreign Language	No	93597		User Change
DhsComplaintDocument	2014-02-28 17:11	Create	Dateentered	02/28/2014	93597		User Change

DhsComplaintDocument	2014-02-28 17:11	Create	Document 2	(b)(6) History.pdf	(b)(6) EARM Detention	93597	(b)(6)	User Change
DhsComplaintDocument	2014-02-28 17:11	Create	Document 1	(b)(6) Record.pdf	(b)(6) EARM Comments	93597	(b)(6)	User Change
DhsComplaintDocument	2014-02-28 17:11	Create	Document 3	(b)(6) Record.pdf	(b)(6) EARM Encounter	93597	(b)(6)	User Change
DhsComplaintDocument	2014-02-28 17:11	Create	Comments	EARM Records		93597	(b)(6)	User Change
DhsComplaintDocument	2014-02-28 17:11	Create	Document Type	Miscellaneous Material/Other		93597	(b)(6)	User Change
DhsComplaintDocument	2014-02-28 17:10	Create	Foreign Language	No		93596	(b)(6)	User Change
DhsComplaintDocument	2014-02-28 17:10	Create	Dateentered	02/28/2014		93596	(b)(6)	User Change
DhsComplaintDocument	2014-02-28 17:10	Create	Document 1	02.26.2014 (b)(6) pdf		93596	(b)(6)	User Change
DhsComplaintDocument	2014-02-28 17:10	Create	Document Type	Incoming Letter		93596	(b)(6)	User Change
DhsComplaintIssue	2014-03-04 11:22	Delete				15022	(b)(6)	User Change
DhsComplaintIssue	2014-03-04 11:19	Update	Situation	DHS law enforcement activity		15021	(b)(6)	User Change
DhsComplaintIssue	2014-02-28 17:15	Create	Incident Date	01/21/2014		15022	(b)(6)	User Change
DhsComplaintIssue	2014-02-28 17:15	Create	Ongoing	No		15022	(b)(6)	User Change
DhsComplaintIssue	2014-02-28 17:15	Create	Primary Issue	No		15022	(b)(6)	User Change
DhsComplaintIssue	2014-02-28	Create	Situation	Immigration detention		15022	(b)(6)	User

	17:15		Create	Redirect to Subject	No			(b)(6)	Change
DhsComplaintIssue	2014-02-28 17:15		Create			15022			User Change
DhsComplaintIssue	2014-02-28 17:15		Create			15022			User Change
DhsComplaintIssue	2014-02-28 17:14		Create	Incident Date	01/21/2014	15021			User Change
DhsComplaintIssue	2014-02-28 17:14		Create	Ongoing	No	15021			User Change
DhsComplaintIssue	2014-02-28 17:14		Create	Primary Issue	Yes	15021			User Change
DhsComplaintIssue	2014-02-28 17:14		Create	Situation	Immigration detention	15021			User Change
DhsComplaintIssue	2014-02-28 17:14		Create	Redirect to Subject	No	15021			User Change
DhsComplaintIssue	2014-02-28 17:14		Create			15021			User Change
DhsComplaintPartiesInvolved	2014-02-28 17:13		Create	Last Name		25127			User Change
DhsComplaintPartiesInvolved	2014-02-28 17:13		Create	First Name		25127			User Change
DhsComplaintPartiesInvolved	2014-02-28 17:13		Create	Contact Type	On Behalf Of	25127			User Change
DhsComplaintPartiesInvolved	2014-02-28 17:13		Create	Alien Registration		25127			User Change
DhsComplaintPartiesInvolved	2014-02-28 17:13		Create	City	Brooklyn	25126			User Change
DhsComplaintPartiesInvolved	2014-02-28 17:13		Create	Phone	718	25126			User Change
	2014-								

DhsComplaintPartiesInvolved	02-28 17:13	Create	Email	(b)(6)	(b)(6)	25126	User Change
DhsComplaintPartiesInvolved	2014- 02-28 17:13	Create	Address Line 1	(b)(6)	(b)(6)	25126	User Change
DhsComplaintPartiesInvolved	2014- 02-28 17:13	Create	Last Name	(b)(6)	(b)(6)	25126	User Change
DhsComplaintPartiesInvolved	2014- 02-28 17:13	Create	First Name	(b)(6)	(b)(6)	25126	User Change
DhsComplaintPartiesInvolved	2014- 02-28 17:13	Create	Contact Type	Sender	(b)(6)	25126	User Change
DhsComplaintPartiesInvolved	2014- 02-28 17:13	Create	Zip Code	11201	(b)(6)	25126	User Change
DhsComplaintPartiesInvolved	2014- 02-28 17:13	Create	State	New York - NY	(b)(6)	25126	User Change

From: [DHSOIGHotlineMailbox](#)
To: [CRCLCompliance](#)
Subject: DHS OIG Complaint # - C1409202 - BOX 1 REFERRAL
Date: Friday, May 16, 2014 10:32:12 AM
Attachments: image001.png
C1409202_05-12-2014_12-12-09.pdf
C14-ICEHSI-DVR-09202 Summary Report.pdf

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

DHS DIG
RECEIVED

HESS & SCHUBERT, LLP
ATTORNEYS AT LAW
www.tedhess.com

110 8th Street
Glenwood Springs, CO 81601

(b)(6)

Tel: (970) 945-5300

Toll Free: 1-866-410-5300

Fax: (970) 945-2898

Theodore G. Hess

Brig. Gen., U.S. Marine Corps (Ret.)

Bill Schubert

Also admitted in Texas and Arkansas

Fred Hartman

Admitted in Pennsylvania only

Brandon Elkins-Barkley

(b)(6)

1 May 2014

DHS Office of Inspector General/MAIL STOP 0305

Attention: Office of Investigations – Hotline

245 Murray Lane SW

Washington, DC 20528-0305

Dear Sir or Madam:

SUBJECT: REPORT OF MISCONDUCT/REQUEST FOR INVESTIGATION IN THE
CASE OF HSI SPECIAL AGENTS (b)(6),(b)(7)(C)

I am writing to you to report the misconduct of Special Agents (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C). Both agents have been assigned to the HSI office in Glenwood Springs since at least 2007. They have also been directly responsible for ICE alien apprehension operations in Eagle, Garfield, and Pitkin Counties, Colorado, since that time.

I request that you investigate whether these agents engaged in a pattern of egregious 4th Amendment violations from 2007 through 2012 by (1) entering numerous dwellings in the nighttime without judicial warrants or consent of the occupants and (2) plucking bystanders off the street solely because of their Latino appearance to arrest suspected aliens.

An immigration judge ruled on October 21, 2010 that the agents committed an egregious 4th Amendment violation during a March 24, 2009 raid in Pitkin County, Colorado. On April 3, 2014, a federal court jury in Denver found that (b)(6),(b)(7)(C) violated the 4th Amendment in the same raid. Because this case was brought on principle, Ms. (b)(6) did not make a substantial case for damages, and the jury awarded nominal damages. This raid is more particularly described below.

March 24, 2009 ICE Raid

On March 24, 2009, 8 ICE agents from Glenwood Springs and Grand Junction, Colorado, raided a cabin rented by (b)(6) and her sisters. Led by (b)(6),(b)(7)(C) the agents enveloped the cabin between 5:00 a.m. and 6:00 a.m. It was still night-time.

The cabin has only one entry and exit, consisting of a large outer door, a 5 ft. wide mud room, and an inner front door. Agent (b)(6),(b)(7)(C) knocked on the frame of the outer door, yelling loudly for someone to come to the door, for 5 minutes. No one came to the door.

Although (b)(6),(b)(7)(C) could have waited for another half-hour or so, he decided to enter the home with a judicial warrant or the permission of any occupant. He crossed the living room and went directly to the first floor bedroom. The man behind (b)(6),(b)(7)(C) entered the unlocked bedroom and shined a flashlight into the eyes of two sleeping parents to awaken them. (b)(6),(b)(7)(C) exited the room. (b)(6),(b)(7)(C) then began banging on the door, yelling repeatedly in Spanish that there had been an accident outside. A sleeping wife and mother jumped out of bed and spied government SUV's parked near the cabin. Her first thought was to jump out of a window. She desisted because she didn't want to jump with her young son. Her husband opened the bedroom door in response to the alarms. (b)(6),(b)(7)(C) immediately asked him if he would answer some questions about his immigration status.

(b)(6),(b)(7)(C) then led a number of ICE agents up the stairs to the second floor where 3 bedrooms were located. Again, (b)(6),(b)(7)(C) and other agents, pounded on doors, shouting in Spanish, "There's been an accident, get out, get out." The pounding was so hard another sister's door knob started rotating. Rudely awakened, her first thought was that a sister had been killed or injured in a car wreck.

The (b)(6) sisters, their mates, and children were the rounded up in the living room, facing 8 ICE agents. When one of the husbands demanded to know why the ICE agents had entered his home, the ICE agents refused to answer. All of the adults in the home, save one, were interrogated about their immigration status, carted off to an ICE office, and put in deportation proceedings.

(b)(6) who was already in deportation proceedings, was left at home to care for the 3 U.S.-citizen children. Ms. (b)(6) has subsequently obtained a U visa. She is the plaintiff in the recent court case.

The Agents' Defense

Before an immigration judge and at the jury trial, the ICE agents defended their actions by explaining that the raid had started out as routine Knock and Talk operation. Special Agent (b)(6),(b)(7)(C) maintained that he had never encountered a situation in which no one answered a door in his 25-year immigration career. Although it was windy, dark, and bitterly cold, he apparently did not consider whether the occupants were still sound

asleep. (b)(6),(b)(7)(C) claimed he entered the home because he thought the occupants may have succumbed to carbon monoxide poisoning! This claim was rejected by both the immigration judge and the jury.

When (b)(6),(b)(7)(C) testified at the immigration court hearing on June 28, 2010, he found himself in a difficult situation. He could not testify that someone admitted him to the residence because no one came to the door, but he had to justify his entry into the home. It so happened that on June 26 and 27, 2008, follow-up stories appeared in the local papers about the November 2008 carbon monoxide poisoning of the (b)(6) family near Aspen, Colorado (b)(6),(b)(7)(C) who admitted he had read the stories, seized upon the recent carbon monoxide stories as his justification for entering the home under "exigent circumstances."

(b)(6),(b)(7)(C) second justification for entering the home was that the home was, in fact, an apartment building. Analogizing each bedroom as a separate apartment (b)(6),(b)(7)(C) sought to transform a living room into the "common area" or lobby of an apartment building where any member of public might enter if he wished. Where the public can go, the police can go. If he could persuade a judge or jury that the living room was a "common area," then at least their initial entry could be justified. But, the "common area" contained a dining room table, two sofas, and a TV. No reasonable law enforcement officer could believe this was an area open to the public. This justification was rejected as well.

From 2007 through 2012, there were numerous complaints in Eagle, Garfield, and Pitkin Counties about ICE agents forcing their way into homes immediately after the front door was opened. In one Eagle County case, a 10-year-old boy could no longer take the pounding on his front door and opened it whereupon an ICE team stormed into an apartment. In addition, the local branch of the Colorado Immigrant Rights Coalition (CIRC) claims to have documented 12 other illegal raids.

In support of this complaint I am enclosing the following information:

Document	Remarks
<i>In the Matter of</i> (b)(6) <i>et. al.</i> , (b)(6) (Oct. 21, 2010)(Written Decision of IJ)	IJ finds egregious violation of 4 th Amendment. IJ further finds testimony of (b)(6),(b)(7)(C) was "inconsistent and unreliable."
(b)(6) v. (b)(6),(b)(7)(C) No. (b)(6) (b)(6) (D. Colo. Apr. 3, 2014)	Jury found (b)(6),(b)(7)(C) violated 4 th Amendment.
Decl. of (b)(6) (Jun. 5, 2012)	The female agent described in the declaration is almost certainly HSI Special Agent (b)(6),(b)(7)(C)
Decl. of (b)(6)	This incident is mentioned above. This copy is unsigned. Original copy was signed and submitted to immigration court.

Grand Junction ICE agent/officer (b)(6),(b)(7)(C) also participated in the March 24, 2009 incident. Unlike the other ICE officer participants, he did not testify in support of (b)(6),(b)(7)(C) at the jury trial. I have information indicating that he might tell the DHS IG the truth about the raid, if properly interviewed.

Sincerely

(b)(6)

Enclosures

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
621 SEVENTEENTH STREET, SUITE 300
DENVER, CO 80293

In The Matter Of:

Date: October 21, 2010

(b)(6)

(b)(6)

(b)(6)

Respondents.

IN REMOVAL
PROCEEDINGS

CHARGES:

Section 212(a)(6)(A)(i) of the Immigration and Nationality Act ("INA" or "the Act"), as amended, in that, an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

APPLICATIONS:

Motion to Suppress
Motion to Terminate

ON BEHALF OF RESPONDENT:

(b)(6)

Glenwood Springs, CO 81601

ON BEHALF OF SERVICE:

(b)(6)

Assistant Chief Counsel
U.S. Department of Homeland Security
12445 East Caley Avenue
Centennial, CO 80111

WRITTEN DECISION

I. Procedural History

The three respondents, Ms. (b)(6) Ms. (b)(6) and Mr. (b)(6) were issued notices to appear on March 24, 2009, charging them with being present in the United States without being admitted or paroled pursuant to INA §

212(a)(6)(A)(i). (Ex. 1, Notices to Appear ["NTAs"].) The respondents allege that they were subjected to an unlawful search and seizure by agents of the Department of Homeland Security ("DHS" or "Government") in violation of the Fourth and Fifth Amendments of the U.S. Constitution, and have moved to suppress all evidence and to terminate these removal proceedings. (Ex. 2, Resp'ts' Mot. to Suppress/Terminate ["Mot. to Suppress"], 03/26/10.) In particular, the respondents seek suppression of all statements, identification documents, all evidence in the Record of Deportable/Inadmissible Alien (Form I-213) including evidence of nationality and citizenship, and all derivative evidence resulting from the entry of the respondents' home on March 24, 2009. (*Id.*) DHS opposed the respondents' motion, and an evidentiary hearing was conducted on July 28, 2010 at the Denver Immigration Court ("Court") to take testimony from the parties. (Digital Audio Recording ["DAR"], 07/28/10.) At the conclusion of the hearing, both parties were given an opportunity to submit written closing arguments. (*Id.*)

II. Evidence

A. Documentary Evidence

The Court carefully considered the following documents submitted on behalf of the respondents and the Department of Homeland Security:

- Exhibit 1, Notices to Appear for all three respondents;
- Exhibit 2, Respondents' Motion to Suppress and Terminate;
- Exhibit 3, DHS Opposition to Motion to Suppress and Terminate, including Records of Deportable/Inadmissible Alien (I-213) for all three respondents;
- Exhibit 4, "Constitution on ICE: A Report on Immigration Home Raid Operations," Immigration Justice Clinic of the Benjamin N. Cardozo School of Law at Yeshiva University, 2009, submitted by the respondents;
- Exhibit 5, Illustrations of the residence at (b)(6) (for identification purposes only), submitted by the respondents, including:
 - Exhibit 5A, Illustration of the outside of the residence;
 - Exhibit 5B, Illustration of the first floor of the residence;
 - Exhibit 5C, Illustration of the second floor of the residence;
 - Exhibit 5D, Illustration of the third floor of the residence;
- Exhibit 6, Photographs of the residence at (b)(6) submitted by the Department of Homeland Security, including:
 - Exhibit 6A, Photograph of the residence from across (b)(6)
 - Exhibit 6B, Photograph of the front of the residence;
 - Exhibit 6C, Photograph of the front of the residence;
- Exhibit 7, Photographs of the front door and primary entrance to the residence, submitted by the respondents;
- Exhibit 8, Record of Deportable/Inadmissible Alien (I-213) for (b)(6) (b)(6) non-respondent resident of (b)(6)
- Exhibit 9, Photographs of the interior of the living area or common area, submitted by the respondents.

The Court has also considered the respondents' and DHS' closing arguments, submitted to the Court on September 9, 2010 and September 10, 2010, respectively. (Resp'ts' Closing Arguments, 09/09/10; DHS Closing Arguments, 09/10/10.)

B. Testimony of Respondent (b)(6)

The first witness was respondent (b)(6) a resident of (b)(6) located in Snowmass Village near Basalt, Colorado. (DAR, 07/28/10.) Ms. (b)(6) testified that she was present in the house on the morning of March 24, 2009, when ICE agents entered her home and questioned her and the other residents. (*Id.*) She stated that at approximately 5:30 a.m., she awoke to a light in her face. (*Id.*) Ms. (b)(6) indicated that her room was on the first floor, just off the living area. (*Id.*; see also Ex. 5B, Diagram of Residence.) She stated that the light was from a flashlight used by an officer, and when she began to get out of bed, the officer left the room and closed the door behind him. (DAR, 07/28/10.) She testified that he then proceeded to knock at her door, stating that there had been an accident and that he wanted to make sure everyone was safe. (*Id.*) Ms. (b)(6) then stated that she did not know what to do; the officer continued knocking and Ms. (b)(6) also heard a lot of noise outside her bedroom. (*Id.*) She stated that she looked out the window but did not see any accident. (*Id.*) Her husband and her son were also in the room, and she stated her son appeared scared. (*Id.*) When asked as to whether the front door to the home was open or closed, Ms. (b)(6) testified that she was unsure if it was locked but it was "definitely closed." (*Id.*)

Ms. (b)(6) testified that she finally opened her bedroom door and the officer came in and shined his flashlight around the room. (*Id.*) She stated that the officer told her and her husband to get their identification cards and meet in the living room. (*Id.*) She then stated that when she and her husband arrived in the living room, they found many officers and most of their housemates were there. (*Id.*) Ms. (b)(6) recalled that she and the others were asked if any of them had the last name (b)(6) and then the officers began questioning them regarding their personal information, including their names, where they were from and whether they had permission to be in the U.S. (*Id.*) Ms. (b)(6) clarified that she has never known anyone with the name (b)(6) to have lived in the house. (*Id.*) She stated that after a short time, they were taken to the immigration offices in Glenwood Springs. (*Id.*)

On cross-examination, Ms. (b)(6) was questioned as to her certainty regarding the time when the ICE agents arrived. (*Id.*) She stated that though she did not have a clock, she knew it was around 5:30 a.m. because of the amount of time the officers were at the house prior to the time it began to get light out. (*Id.*) She testified that it was her custom to get up at 6:30 a.m. to get ready for work. (*Id.*) Ms. (b)(6) was also questioned regarding her reaction to the officer who entered her room shining a flashlight on her, and she stated that she was not sure who he was until he left the room and identified himself as the police. (*Id.*) She reiterated that she was afraid after the officer left the room because she looked out the window and did not see any accident. (*Id.*) Regarding the questioning done while in the living room, Ms. (b)(6) stated she was told by the officers: "we're going to ask you some questions and you have to tell us if it's true." (*Id.*)

C. Testimony of (b)(6)

Ms. (b)(6) testified that she is the sister of the respondent (b)(6) and has resided at (b)(6) for approximately seven years. (*Id.*) She recalled the morning of March 24, 2009, when ICE agents came to her home. (*Id.*) She testified that she was sleeping in her room on the second floor with her husband (and respondent) (b)(6) and their daughter (b)(6) when she heard knocking at her bedroom door. (*Id.*; see also Ex. 5C.) She heard someone yelling that there had been an accident, and recalled being told they should come out of the bedroom. (DAR, 07/28/10.) She stated that she awoke her husband and that her daughter was scared. (*Id.*) She stated that she, too, was worried that the worst had happened, and even feared her sister could be dead, so she started knocking on the other bedroom doors, telling the others to come out. (*Id.*) She testified that the officers arrived at her house sometime between 5:00 and 6:00 a.m., and that it was dark outside and the officers had flashlights. (*Id.*) With regard to the front door, Ms. (b)(6) stated that she did not know whether it was open or closed, but thought it was closed but not locked. (*Id.*) On cross-examination, she testified that none of the officers actually entered her bedroom, but that they came up the stairs knocking on all of the doors and screaming. (*Id.*)

D. Testimony of (b)(6)

Ms. (b)(6) testified that she has resided at (b)(6) for approximately two years. (*Id.*) She stated that she lived on the third floor, and that on most mornings, she would get up at approximately 6:30 a.m. and would catch the 7:14 bus to work. (*Id.*; see also Ex. 5D.) Ms. (b)(6) testified that she recalled the morning of March 24, 2009, when she was asleep on the third floor of the home and was awoken by a voice saying there had been an accident. (*Id.*) She stated that she quickly got up to look to see what had happened, but was not fully dressed so was escorted by an officer back in to her room to change her clothing. (*Id.*) She further testified that she then went over to wake up her brother and told him that there had been an accident. (*Id.*) Ms. (b)(6) then testified that she and her brother were told by the officer that they needed to go down to the living room. (*Id.*)

E. Testimony of Respondent (b)(6)

The respondent, Ms. (b)(6) testified that she had been living at (b)(6) for over three years and recalled the events of March 24, 2009. (*Id.*) She stated that she worked in housekeeping at Aspen Square, and would leave for work on a 7:15 a.m. bus. (*Id.*) She stated that every morning before work, she had a routine of waking up at 5:00 a.m. to prepare for the day. (*Id.*) The respondent testified that when she awoke that morning, she looked at the clock, which said 5:00, and she decided to sleep a bit longer. (*Id.*) She was unsure how much longer she slept, but testified that shortly thereafter, she heard footsteps going up and down the stairs and loud knocking. (*Id.*) She stated that she believed it was sometime around 5:30 a.m. (*Id.*) She also stated she heard the individuals attempt to open the door, and heard them screaming that there had been an accident. (*Id.*) The respondent believed something had happened to someone in her house, and awoke her husband. (*Id.*) She stated that after opening her bedroom door in response to the knocking, a male officer told her they had to go down to the living room. (*Id.*)

On cross-examination, the respondent stated that though she was never physically mistreated by any of the agents, she felt "the biggest mistreatment was psychological." (*Id.*) She stated that once in the living room, a tall officer asked most of the questions and an individual named (b)(6), (b)(7)(C) served as an interpreter. (*Id.*) She stated that she was not told that she had a right to remain silent and felt intimidated and coerced by the presence and conduct of the officers. (*Id.*) She testified that neither she nor her husband sought out professional help as a result of the March 24 events. (*Id.*) However, the respondent stated that her husband had problems with sleeping as a result of his arrest. (*Id.*)

F. Testimony of (b)(6), (b)(7)(C)

Mr. (b)(6), (b)(7)(C) an ICE Special Agent assigned to DHS Investigations testified for the Government. (*Id.*) He stated he had been working with the agency for 25 years and had been assigned to the Colorado Springs area for the last ten years. (*Id.*) With regards to the events leading up to March 24, 2009, Agent (b)(6), (b)(7)(C) testified that the agency received anonymous information in November 2008 about a reported theft of a television from the Aspen Square Hotel. (*Id.*) Additionally, he testified that the tip included information regarding a number of individuals residing at (b)(6) (*Id.*)

As a result of the tip, Agent (b)(6), (b)(7)(C) stated that his agency cross-checked the names with their database and found some of the individuals in the home had prior deportation orders. (*Id.*) He testified ICE agents began surveillance at some point in December and continued through January. (*Id.*) Later, the agent testified that he began to formulate a plan to conduct "Knock and Talks" with the residents of the home. (*Id.*) He stated that the "plan was simple: knock on the door and get consent to speak to the aliens." (*Id.*) Agent (b)(6), (b)(7)(C) clarified that the "Knock and Talks" had occurred many times in the past, where ICE agents knocked on a door and properly identified themselves. Agent (b)(6), (b)(7)(C) clarified that agents were required to state "who you represent and why you are there." (*Id.*) If the individual did not allow entry, Agent (b)(6), (b)(7)(C) stated that the agents must leave. (*Id.*)

With regards to the events occurring on March 24, 2009, Agent (b)(6), (b)(7)(C) testified that he and about eight to ten agents from ICE Deportations and Removal and ICE Investigations arranged to leave their office in Glenwood Springs around 5:00 a.m. (*Id.*) He stated they arrived at the residence approximately 30 minutes later but did not approach the residence until just prior to 6:00 a.m. (*Id.*) When asked whether he entered the home prior to 6:00 a.m., Agent (b)(6), (b)(7)(C) stated that they did not because "no one was responding to our initial knocks." (*Id.*) When asked about whether there was a policy regarding "Knock and Talks" prior to 6:00 a.m., Agent (b)(6), (b)(7)(C) clarified that Detention and Removal Agents were not allowed to conduct "Knock and Talks" prior to that time, and he and the others honored that policy. (*Id.*) He further stated there were only two "good Spanish speakers" who were both with Deportation and Removal. (*Id.*)

Agent (b)(6), (b)(7)(C) testified that his officers split in to two teams: one team approached the downstairs unit or "sub-basement" and Agent (b)(6), (b)(7)(C) went to the main door of the home on the second floor with the second team. (*Id.*) He stated when he arrived at the front door, it was

propped wide open by a rock, and all the lights were on inside the common area.¹ (*Id.*) He testified that he knocked on the door frame and shouted who he was and why they were there. (*Id.*) He stated that he spent approximately five minutes at the front door until the other team came upstairs; when they arrived, he testified he was still standing in the doorway, yelling inside. (*Id.*)

Agent (b)(6), (b)(7)(C) conceded that he had no consent to enter the home. He stated that he made the decision to enter the home because nobody responded to his knocks or his yelling, and based on another recent incident where a Colorado family had been killed in a home as a result of carbon monoxide poisoning. (*Id.*) He then testified that upon entering the home, he knocked on the first door inside (*see* Ex. 5B) and a man answered. (DAR, 07/28/10.) Agent (b)(6), (b)(7)(C) testified that he told the man he had questions about his immigration status, and asked whether he would be willing to come out to the living room. (*Id.*) He also stated that he asked the man if he could go upstairs to knock on the other doors, and the man said yes. (*Id.*) He then said he and some other agents proceeded to knock on each door and all agreed to come to the common area. (*Id.*)

Agent (b)(6), (b)(7)(C) testified that, once gathered in the common area, he did the questioning. (*Id.*) He stated he advised the residents of their ability not to answer his questions. (*Id.*) Once alienage was determined as a result of these questions, he testified that they did a pat down search for weapons and contraband, and transported the individuals to the processing facility in Glenwood Springs. (*Id.*)

On cross-examination, Agent (b)(6), (b)(7)(C) reiterated that he entered the home without consent or a warrant. He believed it was unusual and suspicious that nobody responded to his knocks after he had been knocking for a "long time," and he worried that "there could have been something wrong." (*Id.*) He further explained to the Court that the agents chose to approach the house at 6:00 a.m. because they had noticed individuals leaving the address for work very early and wanted to be sure they were there before this occurred. (*Id.*) Agent (b)(6), (b)(7)(C) conceded that he never told the residents of the home that they had a right to remain silent. (*Id.*)

G. Testimony of (b)(6)

Mr. (b)(6), (b)(7)(C) an ICE Special Agent, testified as to his recollection of the events of March 24, 2009. (*Id.*) Agent (b)(6), (b)(7)(C) testified consistently with Agent (b)(6), (b)(7)(C) as to the events leading up to the day in question and further reiterated the agency's "Knock and Talk" policy. (*Id.*)

With regards to the events occurring at (b)(6) on March 24, Agent (b)(6), (b)(7)(C) stated that he was in the team that was sent to the bottom unit, where he and Agent (b)(6), (b)(7)(C) conducted a "Knock and Talk." (*Id.*) He testified that the tenant answered the door in response to their knocks and let them in to his unit and provided them with identification. (*Id.*) Agent (b)(6), (b)(7)(C) testified that he and Agent (b)(6), (b)(7)(C) heard Agent (b)(6), (b)(7)(C) yelling, and within ten minutes of initiating the original "Knock and Talk," they were upstairs with Agent (b)(6), (b)(7)(C). (*Id.*) Agent (b)(6), (b)(7)(C) stated that when he and Agent (b)(6), (b)(7)(C) arrived upstairs, Agent (b)(6), (b)(7)(C) had already entered the

¹ "Common area" and "living room" were used interchangeably by Mr. (b)(6), (b)(7)(C) and the other witnesses throughout their testimony. However, it is the conclusion of the Court is that the room in question is a living room rather than a "common area."

dwelling and was in the living room talking to four or five individuals on the couch. (*Id.*) He further testified that there were two other DHS agents with Agent (b)(6), (b)(7)(C) and another IA." (*Id.*) Agent (b)(6), (b)(7)(C) stated that he then took up perimeter security and remained present in the room while all of the interviews with the residents occurred. (*Id.*) He stated that he did not witness any threats, mistreatment or physical contact, except when the individuals were being escorted to their rooms, and only for officer safety. (*Id.*)

On cross-examination, Agent (b)(6), (b)(7)(C) was asked about the ICE policy governing the time Deportation and Removal Operations may conduct "Knock and Talks." (*Id.*) Agent (b)(6), (b)(7)(C) stated that the only time Deportation and Removal is allowed participate in "Knock and Talks" is when they are a part of a Fugitive Operations team, and that team must wait until 6:00 a.m. to conduct a "Knock and Talk." (*Id.*) However, he stated that there were no Fugitive Operations agents in the group on March 24, 2009. (*Id.*)

H. Testimony of (b)(6), (b)(7)(C)

Ms. (b)(6), (b)(7)(C) an ICE Special Agent, testified that she was present at (b)(6) on March 24, 2009 and conducted a "Knock and Talk" with Agent (b)(6), (b)(7)(C) at the basement unit. (*Id.*) She testified that though she did not work for investigations at the time but rather was then working for Deportation and Removal, she was called on to assist with the "Knock and Talk." (*Id.*)

Agent (b)(6), (b)(7)(C) testified that when she and Agent (b)(6), (b)(7)(C) joined Agent (b)(6), upstairs, they walked through the main entrance of the home to find Agent (b)(6), (b)(7)(C) speaking with several individuals. (*Id.*) She also testified that other residents were coming down the stairs. (*Id.*) Agent (b)(6), (b)(7)(C) stated that she remained in the living room area until she was needed to accompany the female residents to get appropriate clothing, as it was extremely cold in the room. (*Id.*)

During Agent (b)(6), (b)(7)(C) testimony, there was a discussion as to whether the area continually referred to by the agents as a "common area" was a living room, a hallway or an entrance. (*Id.*) Agent (b)(6), (b)(7)(C) stated that the residents of the home kept their personal belongings in their bedrooms, and therefore she believed the space was most likely a "common area," though she did state that there was a couch and a refrigerator in the area. (*Id.*)

I. Testimony of Respondent (b)(6)

The respondent (b)(6) was called to testify briefly with respect to the living or common area at (b)(6). (*Id.*) Mr. (b)(6) was shown photographs of what he identified as the living room of the residence. (*Id.*; see also Ex. 9, Resp't Photos of Interior.) He testified that though the photographs were taken after March 24, 2009, they fairly and accurately depicted the living room on that day. (DAR, 07/28/10.) The respondent testified that there were only two differences: (1) there was a new couch in the far corner that was purchased after March 24, 2009; and (2) the television set which appears in the middle of the room in the photograph was previously in the space where the new couch sat. (*Id.*)

III. Statements of Law

A. The Fourth Amendment, Generally

The Fourth Amendment guarantees that individuals will be secure against unreasonable searches and seizures “in their persons, houses, papers and effects.” U.S. CONST. amend. IV. Searches conducted without a warrant issued upon probable cause are *per se* unreasonable. *Katz v. United States*, 389 U.S. 347 (1967). The Supreme Court has delineated a few specific exceptions to this rule, including where a search or seizure is conducted pursuant to voluntary consent. *Schneckloth v. Bustamonte*, 412 U.S. 218, 219 (1973). However, consent must not be coerced “by explicit or implicit means, by implied threat or covert force.” *Id.* at 228.

On the occasion where the government has neither obtained a warrant nor consent to enter a home, entry into a home may be deemed reasonable where exigent circumstances are present. *Payton v. New York*, 445 U.S. 573, 590 (1980). Specifically, the Tenth Circuit Court of Appeals has held that exigent circumstances exist only if: “(1) the officers had an objectively reasonable basis to believe that there was an immediate need to enter to protect the safety of themselves or others, and (2) the conduct of the entry was reasonable.” *United States v. Walker*, 474 F.3d 1249, 1253 (10th Cir. 2007). Ultimately, if the evidence is obtained as a result of a search or seizure deemed unlawful, the evidence shall be excluded as fruit of a poisonous tree. *Wong Sun v. United States*, 371 U.S. 471 (1963).

The Supreme Court has held that a seizure occurs when, given all of the circumstance surrounding an incident, a reasonable person would believe he or she was not free to leave. *INS v. Delgado*, 466 U.S. 210, 215 (1984). When considering whether a seizure occurred, various factors may be considered. *Id.* The Tenth Circuit Court of Appeals has held it appropriate to consider “(1) whether the encounter occurred in a ‘confined or nonpublic space,’ (2) if ‘the officers confronting the subject were armed or uniformed,’ (3) the number of officers confronting the subject, (4) whether ‘the officers exhibited an intimidating or coercive demeanor,’ and (5) if the questions asked by the officer called for potentially incriminating answers.” *United States v. Esparza-Mendoza*, 386 F.3d 953, 959 (10th Cir. 2004) (quoting *United States v. Glass*, 128 F.3d 1398, 1405 (10th Cir.1997)).

B. Suppression of Evidence in Removal Proceedings

In *INS v. Lopez-Mendoza*, 468 U.S. 1032 (1984), the Supreme Court found that the exclusionary rule is generally not applicable in removal proceedings. Even where an immigration officer lacks reasonable suspicion or probable cause to search or seize an individual, proof of a Fourth Amendment violation alone is not sufficient to require the suppression of evidence in Immigration Court proceedings. *Id.* at 1051. However, a plurality of the Court did agree that the exclusionary rule could apply in cases involving egregious violations of the Fourth Amendment or other liberties that might transgress notions of fundamental fairness and undermine the probative value of the evidence obtained. *Id.* at 1050-51. In such circumstances, the use of the tainted evidence violates the Fifth Amendment requirement of due process. *Id.* The BIA has also acknowledged that suppression of evidence in removal proceedings may be

appropriate where an egregious violation of the Fourth Amendment has occurred. *Matter of Cervantes*, 21 I&N Dec. 351 (BIA 1996).

A motion to suppress evidence in a removal proceeding must be made in writing and be sufficiently detailed and based on personal knowledge. *Matter of Wong*, 13 I&N Dec. 820, 822 (BIA 1971). Statements in support of a motion to suppress should not be "general, conclusory or based on conjecture." *Id.* The burden is on the respondent to establish a *prima facie* case in support of the claim that evidence was obtained in violation of the Fourth Amendment. *Matter of Tang*, 13 I&N Dec. 691, 692 (BIA 1971); *Matter of Burgos*, 15 I&N Dec. 278, 279 (BIA 1975); *Matter of Barcenas*, 19 I&N Dec. 609, 611 (BIA 1988). If the respondent meets their burden, the burden shifts to the government to justify the manner in which the evidence was obtained; a failure to justify the conduct results in suppression of the evidence at issue. *Tang*, 13 I&N Dec. at 692.

IV. Discussion

At the July 28 hearing, the Court solicited preliminary testimony to determine whether the respondents had met their initial burden to demonstrate a Fourth Amendment violation had occurred, and that the violation was egregious. (DAR, 07/28/10.) After hearing testimony from two of the respondents and two witnesses, the Court found that the respondents had made a *prima facie* for suppression.² See *Burgos*, 15 I&N Dec. at 279; *Barcenas*, 19 I&N Dec. at 612. Specifically, the respondents and the witnesses provided detailed and consistent accounts of the morning of March 24, 2009, including the time at which ICE agents entered the home, the urgency with which they were told to exit their rooms and meet in the living room, and the questions asked by the agents. (*Id.*) All of the witnesses testified credibly that they were awoken in the pre-dawn hours and that the agents were identifying themselves as "police" and yelling about an accident as they knocked on the various bedroom doors in the house. (*Id.*) The witnesses consistently stated that the agents alleged they were worried about the safety of the residents and told them to come down to the living room. (*Id.*) None of the witnesses recalled any instance where a knock was followed by the agent identifying him or herself as ICE or requesting consent to speak with the residents of the home. (*Id.*) After hearing testimony from the aforementioned witnesses, the Government stipulated that nobody in the home consented to the ICE agents' initial entry through the front door. (*Id.*)

Moreover, a fact-specific inquiry in to the circumstances surrounding the raid indicates that a reasonable person in this situation would not have believed he or she was free to leave the

² In their closing arguments, DHS contends that (b)(6) motion to suppress and terminate should be summarily dismissed because he did not testify in support of his motion. (DHS Closing Argument.) The Court disagrees. The documentary and testimonial evidence in support of Mr. (b)(6) motion, despite his lack of testimony, was sufficiently detailed and specific to find that each of respondents had met their burden to demonstrate a *prima facie* violation of their Fourth Amendment rights. Moreover, with respect to Mr. (b)(6) (b)(6) the Court reviewed his I-213 and heard testimony from (b)(6) who testified to being in the bedroom with the respondent and their child on the morning of March 24, 2009. Notably, Mr. (b)(6) was offered as a witness (see Resp't Witness List, 04/07/10), but prior to placing him on the stand, the government stipulated that there was no warrant or consent to enter the respondents' residence. Therefore, DHS's argument fails.

house. *See Delgado*, 466 U.S. at 215. The facts alleged by the respondents and respondents' witnesses reveal the residents of (b)(6) were in a vulnerable position when suddenly woken in the dark, pre-dawn hours by ICE agents already in their home, knocking loudly on their bedroom doors and demanding they come out. The Court finds this was definitively a "seizure."

After finding the respondents had met their burden, the Court next evaluated the testimony of the Government witnesses to determine whether the Fourth Amendment violation was justified. *Tang*, 13 I&N Dec. at 692. The Government produced three witnesses: Special Agent (b)(6), (b)(7)(C) Special Agent (b)(6), (b)(7)(C) and Special Agent (b)(6), (b)(7)(C).

The first witness, Agent (b)(6), (b)(7)(C) testified that he was in charge of the operation, which was initiated after his office received a tip in early November 2008 regarding the presence of subjects suspected of being undocumented aliens, some of whom had prior removal orders. (DAR, 07/28/10; Ex. 3, DHS Opp'n.) Approximately **five months after receiving the tip**, the agents entered the home without a warrant. (DAR, 07/28/10.) Additionally, Agent (b)(6), (b)(7)(C) the first agent to enter the home, testified that he entered the home after five minutes of knocking and yelling at the door, which he stated was propped wide open. (*Id.*) He conceded that he did not have consent to enter the premises. (*Id.*)

Though never articulated by the Government as an exception to the warrant requirement, Agent (b)(6), (b)(7)(C) alluded to concerns that led him to ultimately enter the residence. (*Id.*) Specifically, he stated that after there was no response to his five minutes of knocking and yelling, he became suspicious due to a recent carbon monoxide poisoning in the area. (*Id.*) He claimed to have justified his warrantless entry on this reasoning. (*Id.*) The Court does not agree that these are exigent circumstances, such that entry into the respondents' home was justified. In the Tenth Circuit, to find exigent circumstances, a court must find an officer had an "objectively reasonable basis" to enter home without a warrant. *Walker*, 474 F.3d at 1253. Agent (b)(6), (b)(7)(C) testified that his basis for entering was concern due to an incident a few months prior where a family was killed due to carbon monoxide poisoning. (DAR, 07/28/09.) If the door was propped wide open, as the agent testified, then concern for carbon monoxide poisoning should have been significantly minimized, as it is commonly known that this type of poisoning occurs when there is an absence of oxygen in enclosed or semi-enclosed spaces. Therefore, the Court does not find there were exigent circumstances that would justify the agents' warrantless entry into the home.

Generally, the Court found the agents' testimony to be unreliable. First, Agent (b)(6), (b)(7)(C) recollection of the morning was inconsistent with the testimony of the two other agents. (*Id.*) All three agents testified that approximately eight to ten agents – Investigations and Detention and Removal Agents – gathered at (b)(6) sometime between 5:30 and 6:00 a.m. (*Id.*) A significant inconsistency in the witnesses' testimony related to the entry. Agent (b)(6), (b)(7)(C) recalled that he waited for other agents, including Agents (b)(6), (b)(7)(C) to affect entry into the home, approximately five minutes after he began knocking. (*Id.*) However, both Agent (b)(6), (b)(7)(C) and Agent (b)(6), (b)(7)(C) recalled reaching the propped open front door approximately ten minutes after both teams initially approached the home and finding Agent (b)(6), (b)(7)(C) already in the living room with several residents of the home seated on the couch. (*Id.*) The Court finds it unlikely that in only five to ten minutes, Agent (b)(6), (b)(7)(C) and two other agents could have approached various

bedrooms, knocked on the doors on all three floors of the home, identified themselves to the sleeping residents, explained why they were there, requested consent to enter the bedrooms and accompanied the residents down to the living room.

Moreover, Agent (b)(6), (b)(7)(C) testimony conflicts with the testimony of the residents of the home, who all stated that the main entrance to the house was closed. (*Id.*) Given the time of year, as well as the consistency of the residents' testimony, the Court finds it unlikely that the front door to the home and primary access to the living room would have been left propped open over night.

Finally, the greatest inconsistency disturbing to the Court is the narrative on the I-213, which is contradictory to the testimony of the agents and the respondents. (*Id.*; Ex. 3, DHS Opp'n.) Specifically, the I-213 in all three cases indicates that the agents "approached these rooms/apartments, identified themselves as federal agents, asked for permission from all of subjects to enter their dwelling/apartments and question them regarding their citizenship and immigration status . . ." (Ex. 3, DHS Opp'n.) The I-213s go on to state that the respondents "gave the agents verbal permission to enter their perspective rooms/apartments and agreed to answer our questions." (*Id.*) However, even the agents' testimony seems to indicate that the residents in the home were all brought down to the living room and questioned. (DAR, 07/28/09.) In fact, Agent (b)(6), (b)(7)(C) testified that none of the bedrooms were ever entered. (*Id.*) The Court did not hear any testimony which would indicate that, as mentioned in the I-213s, any of the agents sought permission to enter the bedrooms and question the residents about their immigration status in their respective rooms. This further calls into question the reliability of the I-213s.

In sum, the Court cannot find that DHS's violation of the respondents' Fourth Amendment rights was justified. While interpretations of "egregiousness" may vary, the decisions made by the ICE agents, particularly Special Agent (b)(6), (b)(7)(C) who led the investigation, were beyond what a reasonable officer could or should have believed was lawful. The Ninth Circuit Court of Appeals recently found a violation of the Fourth Amendment to be egregious because "reasonable INS agents should have known that they were violating the Fourth Amendment . . ." *Lopez-Rodriguez v. Mukasey*, 536 F.3d 1012, 1018-19 (9th Cir. 2008). While this case is not controlling in the Tenth Circuit, the Court agrees with the respondents' assertions that it is persuasive in making a determination as to whether a Constitutional violation is "egregious."

In the instant case, the agents acted unreasonably in failing to abide by their internal "Knock and Talk" policy, ostensibly established to reinforce constitutional requirements to be adhered to by ICE in conducting home raid operations. Specifically, the evidence in the record indicates that the agents failed to properly identify themselves and instead claimed to be "the police." (DAR, 07/28/10.) Additionally, the evidence shows that the first agents to enter the home and approach the various bedrooms failed to advise the residents as to the purpose of their visit. (*Id.*) More significantly, the agents violated the statute in conducting the raid. Pursuant to INA § 287(a)(2), ICE agents must have a reason to believe that the target of their investigation is in the United States without valid status *and* is likely to escape before a warrant can be obtained for his or her arrest. (Emphasis added.) Here, the agents did not present any evidence that would

indicate any of the residents of the home were flight risks. (DAR, 07/28/10.) More importantly, the agents were acting on a tip that was over five months old, an extended amount of time in which they could and should have obtained a warrant. (*Id.*)

In addition to the ICE agents' conducting a warrantless search and seizure, the credible testimony of four residents of (b)(6) indicated that the agents entered the home suddenly while all the residents were still sleeping and yelled about an accident on the highway. (DAR, 07/28/09.) While entry in to a home without a warrant, consent or exigent circumstances might not result in suppression of evidence in all removal cases, the Court finds that the agents' pre-dawn entry compiled with blatant misrepresentations to sleeping residents, conveying terrifying news of an accident is, in fact, egregious. In creating this ruse, the agents led the residents of the home to believe there was an actual concern for their safety, and ultimately lured every resident out of their respective bedrooms. (*Id.*) When all of the residents in the home were gathered in the living room, the agents asked for someone by the name of (b)(6) (unknown to the residents) and then began questioning the individuals about their alienage and immigration status. (*Id.*) The techniques used by the agents to acquire the information subsequently used against the aliens were coercive at best.

In their closing arguments, DHS argues that the respondents' motions should fail because, "assuming the conduct was egregious," the exclusionary rule should not apply as the actions of the ICE agents did not undermine the value of the evidence obtained during the search and seizure. (DHS Closing Argument.) The Court disagrees. When ICE agents enter a home without a warrant or consent, and subsequently create an environment of fear under false pretenses, the Court agrees with the respondents that the Constitutional violation definitively transgressed notions of fundamental fairness and undermined the probative nature of the evidence obtained. *See Lopez-Mendoza*, 468 U.S. at 1050-51.

V. Conclusion

The Court finds that the respondents and the respondents' witnesses testified credibly to the events of March 24, 2009. As such, the Court found the respondents had demonstrated an egregious violation of their Fourth Amendment rights, and thus met their initial burden. Furthermore, the Court finds that the testimony of the ICE agents was inconsistent, and unreliable. In consideration of the testimonial and documentary evidence submitted, the Court finds the Government failed to sustain its burden to justify the unlawful search and seizure. Therefore, the Court hereby suppresses the evidence acquired as a result of the illegal search and seizure, including all statements made during the search and thereafter, all identification documents, all evidence in the Records of Deportable/Inadmissible Alien, and all other evidence derived thereof.

The Government has not produced independent evidence outside of the I-213 to support the factual allegations in the NTA or to sustain the charge of removability. The Court recognizes that evidence from an independent source may be used once an alien has been placed in proceedings. *Cervantes-Torres*, 21 I&N Dec. at 353. However, the testimony taken at the July 28, 2010 hearing was for the limited purpose of determining whether an egregious Constitutional violation had occurred and whether the Government could justify their actions. As such, the

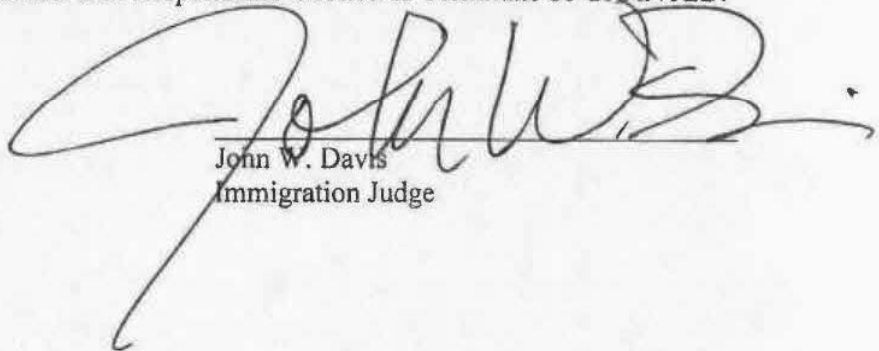
Court believes that any testimony regarding alienage at the suppression hearing is not independent evidence but is, like all of the other evidence obtained by DHS as a result of the home raid, "fruit of a poisonous tree." Therefore, DHS has failed to meet its burden of establishing the respondents' removability by clear and convincing evidence, INA § 240(c)(3)(A), and the removal proceedings must be terminated.

ORDERS

IT IS HEREBY ORDERED that Respondents' Motion to Suppress be GRANTED.

IT IS HEREBY FURTHER ORDERED that Respondents' Motion to Terminate be GRANTED.

October 21, 2010



John W. Davis
Immigration Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. (b)(6)

(b)(6) and
minor, by her next friend, (b)(6)

Plaintiffs,

v.

(b)(6), (b)(7)(C) and

Defendants.

FINAL JUDGMENT

In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 58(a), the following Final Judgment is hereby entered.

This matter was tried from March 31, 2014, through April 3, 2014, before an empaneled jury of twelve, Senior District Judge Richard P. Matsch presiding. The trial proceeded to conclusion and the jury found that plaintiff (b)(6) proved by a preponderance of the evidence that defendant (b)(6), (b)(7)(C) violated the Fourth Amendment and awarded nominal damages in the amount of \$1.00. The jury further found that defendants (b)(6), (b)(7)(C) did not violate the Fourth Amendment.

Accordingly, it is

ORDERED that judgment is entered in favor of plaintiffs (b)(6) and against defendant (b)(6), (b)(7)(C) in the amount of \$1.00. It is

FURTHER ORDERED that post judgment interest shall accrue at the legal rate of 0.13% from the date of entry of this judgment. It is

FURTHER ORDERED that plaintiffs (b)(6) shall have

Civil Action No. (b)(6)
Page 2

their costs by the filing of a Bill of Costs with the Clerk of this Court within fourteen days of the entry of judgment.

DATED at Denver, Colorado, this 3rd day of April, 2014.

FOR THE COURT:

(b)(6)

By: _____

Deputy Clerk

Declaration of

(b)(6)

My name is (b)(6) I have lived and worked in the Roaring Fork Valley for 11 years. I work for (b)(6) I have also worked for (b)(6) (b)(6)

On the afternoon of May 14, 2010, I was at the cabins located at (b)(6) in Glenwood Springs. The cabins are arranged in a (b)(6) and parking lot. There are two entrances/exits to the cabins.

I had been invited to an outdoor fish fry at a friend's house. His house is located across the parking lot from two cabins that were raided.

Between about 5:30 and 6:00 p.m., I saw a white van that drove through the parking lot three times. Then, I heard a lot of screaming and noise coming from the cabins across the parking lot. My friend and I walked a little closer to see what was going on.

I saw law enforcement agents in black tactical uniforms, some with helmets, going into two cabins. They had AR-15/M-16 type rifles.

My friend and I decided to leave the area. We were getting into a vehicle to leave. Officers blocking the exits to the cabins told us we could not leave.

Most of my friends went inside the cabin, but four of us decided to remain outside.

One of the police officers approached us and told us, "Don't worry, this doesn't involve you. It involves the two cabins over there," or words to that effect.

We saw several arrestees being loaded in a van. After the van was loaded, a Spanish-speaking agent came over and ordered us not to leave. Then, a female agent came over. Then more agents came over. We were confronted by six ICE agents. And the exits from the cabins were blocked by other police officers.

The female agent spoke to the Spanish-speaking agent in English. The Spanish-speaking agent then ordered me to show identification.

I showed the officers a Matricula Consular card. The officers told me that I was under arrest and they handcuffed me. They also arrested my friends, (b)(6) We were put in the van. I heard an agent say, "Is it full yet, or do we have to go back to the cabin and arrest some more," or words to that effect.



No one, including myself, had any connection whatsoever, to the cabins across the parking lot, to the arrestees, or to any drugs. I was swept up by ICE agents participating in a drug raid simply because I was in the vicinity; have a Latino appearance; and might have been an alien. In other words, I am being subjected to deportation proceedings because there was a little more room in the ICE van.

I was transported to the ICE office in Glenwood Springs. At the office, they took all my possessions. I was fingerprinted. They took my photo and placed a copy on a template of a Mexican man wearing a sombrero. The body in the template was a fat man. They passed the photo around, laughing and joking about it.

After two to three hours at the ICE office in Glenwood Springs, I was transported to the Park County jail.

I contend that my statements to various ICE agents were involuntary and that conduct of the ICE agents amounts to an egregious violation of my right to be free from unreasonable searches and seizures and my right to due process.

Sincerely,

(b)(6)

I declare under the penalty of perjury that the foregoing statement is true and correct.

Dated: 06/05/2012

(b)(6)

DECLARATION OF (b)(6)

My name is (b)(6) I live with a friend in Avon, Colorado. I am a painter and I work for a painting company named (b)(6) I have worked for (b)(6) for 4 years.

On January 9, 2009, I was living in the (b)(6) (b)(6) in Avon, Colorado. My father, my 10-year-old brother, my step-mother, and my step-mother's son, (b)(6) also lived in the apartment, but not all of them were present at the time of incident described below.

At about 7:00 p.m., I heard men knocking on the door really loud. They were screaming. They were yelling, "Open the door or we will open it." My 10-year brother got scared. He opened the door.

Five ICE officers and one Avon police officer entered the apartment without the permission or consent of any occupant. The officers were wearing jackets that said "ICE." Several of the ICE officers were armed with pistols. The officers told us to put our hands up. They were asking for (b)(6)

My little brother told the ICE officers there was no (b)(6) in the apartment.

So far as I know, no one named (b)(6) had ever lived in the apartment.

Several officers ordered us to sit down in a circle, Indian-style. Two other officers fanned out and searched the apartment.

The ICE officers then asked us if we had papers. They asked "what are doing in this country if you don't have papers."

They told us we were under arrest. We were told to put on pants and shoes.

I got up to get a pair of pants and an ICE officer pushed me down. He told me to have my little brother get me pants.

At no time while the agents were at the apartment was I advised of any rights. In particular, I was never told that I had a right to an attorney at no expense to the Government or that anything I said could be used against me at future proceedings.

The ICE officers arrested me and two other occupants. We were handcuffed and put in a white van. When we got into the van, there were six ICE arrestees in the van. The van then accompanied the ICE officers to other arrest sites.

The van went to Edwards, and six other people were arrested and put in the van.

One of the other men in the van said his home had been entered in the same way as the entry to my apartment.

We were then taken to Glenwood Springs and then Grand Junction. After five days in detention in Grand Junction, we were taken to a jail in Fairplay, Colorado. After I got to Fairplay, an ICE officer showed me identity documents, which had been seized at the apartment.

The agents never said they had an arrest or a search warrant.

I have a basic understanding of search and seizure law under the U.S. Constitution. I believe my fundamental rights were violated in an egregious manner. The ICE officers conducted a warrantless, non-consensual entry and search of my apartment and coerced information from me without any prior advisement of my rights; and seized my property without a warrant or my permission.

Dated: _____

(b)(6)

I declare under penalty of perjury that the foregoing statement is true and correct.

(b)(6)

CERTIFICATE OF INTERPRETATION

I, (b)(6) am competent to translate and interpret from English into Spanish, and I certify that I have read this entire document to Mr. (b)(6) in Spanish, and that Mr. (b)(6) stated that he understood the document before he signed above.

Signature of Interpreter/Translator

Printed Name of Interpreter/Translator

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-14-0369 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2014-05-22 11:51	Create	External Tracking Number	DHS OIG (C1409202)	9690	(b)(6)	User Change
DhsComplaint	2014-05-22 11:51	Create	Component Referenced	ICE	9690		User Change
DhsComplaint	2014-05-22 11:51	Create	Summary	On May 16, 2014, CRCL received email correspondence forwarded by DHS OIG (C1409202). The email correspondence was originally sent on May 12, 2014 from (b)(6) on behalf of (b)(6)	9690		User Change
DhsComplaint	2014-05-22 11:51	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	9690		User Change
DhsComplaint	2014-05-22 11:51	Create	Days to Process	6	9690		User Change
DhsComplaint	2014-05-22 11:51	Create	Date to CRCL	05/16/2014	9690		User Change
DhsComplaint	2014-05-22 11:51	Create	Date to DHS	05/12/2014	9690		User Change
DhsComplaint	2014-05-22 11:51	Create	Date on Correspondence	05/12/2014	9690		User Change
DhsComplaint	2014-05-22 11:51	Create	Number of Complainants	3	9690		User Change
DhsComplaint	2014-05-22 11:51	Create	Sender Type	Individual	9690		User Change
DhsComplaint	2014-05-22 11:51	Create	Method of Receipt	Email	9690		User Change
DhsComplaint	2014-05-22	Create	Entry Date	05/22/2014	9690		User

	11:51	Create	Action Date	05/22/2014	114042	(b)(6)	Change
DhsComplaintAction	2014-05-22 12:01	Create	Action Date	05/22/2014	114042	(b)(6)	User Change
DhsComplaintAction	2014-05-22 12:01	Create	Comments	On May 20, 2014 (b)(6) with processing this matter.	114042	(b)(6)	User Change
DhsComplaintAction	2014-05-22 12:01	Create	Action	Notes	114042	(b)(6)	User Change
DhsComplaintAction	2014-06-16 16:04	Update	Action	Info Layer Awaiting Outside Information	114400	(b)(6)	User Change
DhsComplaintAction	2014-06-13 10:14	Create	Action Date	06/13/2014	114400	(b)(6)	User Change
DhsComplaintAction	2014-06-13 10:14	Create	Action	Notes	114400	(b)(6)	User Change
DhsComplaintAction	2014-06-13 10:14	Create	Comments	During 06/12/2014 Case Opening meeting (b)(6) was tasked with contacting (b)(6) for the I team and she clarified that she had spoken with him already and she will email him the incoming documents to begin looking into this matter further	114400	(b)(6)	User Change
DhsComplaintAction	2014-06-06 12:28	Create	Action Date	06/06/2014	114283	(b)(6)	User Change
DhsComplaintAction	2014-06-06 12:28	Create	Comments	(b)(6) gave hard copy documents to (b)(6) to review and present at case opening meeting.	114283	(b)(6)	User Change
DhsComplaintAction	2014-06-06 12:28	Create	Action	Notes	114283	(b)(6)	User Change
DhsComplaintDocument	2014-05-22 11:52	Create	Document 1	05.16.2014 (b)(6) OIG C1409202.pdf	94785	(b)(6)	User Change
DhsComplaintDocument	2014-05-22 11:52	Create	Dateentered	05/22/2014	94785	(b)(6)	User Change
DhsComplaintDocument	2014-05-22 11:52	Create	Document Type	Incoming Letter	94785	(b)(6)	User Change
DhsComplaintDocument	2014-05-22	Create	Foreign	No	94785	(b)(6)	User

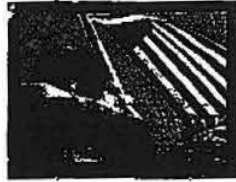
	11:52		Language		(b)(6)			Change
DhsComplaintDocument	2014-05-22 12:06	Create	Document 4	(b)(6)	Encounter Record.pdf	EARM	94788	User Change
DhsComplaintDocument	2014-05-22 12:06	Create	Document 3	(b)(6)	Comments Record.pdf	EARM	94788	User Change
DhsComplaintDocument	2014-05-22 12:06	Create	Document 1	(b)(6)	Log.pdf	EARM Case	94788	User Change
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DhsComplaintDocument	2014-05-22 12:05	Create	Document 4	(b)(6)	Record.pdf	EARM Encounter	94787	User Change
DhsComplaintDocument	2014-05-22 12:05	Create	Document 3	(b)(6)	Record.pdf	EARM Comments	94787	User Change
DhsComplaintDocument	2014-05-22 12:05	Create	Comments		EARM Records	(b)(6)	94787	User Change
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DhsComplaintDocument	2014-05-22 12:05	Create	Document Type		Miscellaneous Material/Other		94787	User Change
DhsComplaintDocument	2014-05-22 12:05	Create	Foreign Language		No		94787	User Change
	2014-							

DhsComplaintDocument	05-22 12:05	Create	Document 2	(b)(6) Summary.pdf	(b)(6) EARM Case	94787	(b)(6)	User Change
DhsComplaintDocument	2014- 05-22 12:04	Create	Document 4	(b)(6) Encounter Record.pdf	EARM	94786	(b)(6)	User Change
DhsComplaintDocument	2014- 05-22 12:04	Create	Document 3	(b)(6) Comments Record.pdf	EARM	94786	(b)(6)	User Change
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DhsComplaintIssue	2014- 05-22 12:00	Create	(b)(5),(b)(7)(A)	(b)(5),(b)(7)(A)		15307	(b)(6)	User Change
DhsComplaintIssue	2014- 05-22 12:00	Create	Redirect to Subject	No		15307	(b)(6)	User Change
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DhsComplaintIssue	2014- 05-22 12:00	Create	State	Colorado - CO		15307	(b)(6)	User Change
DhsComplaintIssue	2014- 05-22 12:00	Create	Incident Date	03/24/2009		15307	(b)(6)	User Change

DhsComplaintIssue	2014-05-22 12:00	Create	Ongoing	No	15307	(b)(6)	User Change
DhsComplaintIssue	2014-05-22 12:00	Create	City	Glenwood Springs	15307		User Change
DhsComplaintPartiesInvolved	2014-05-22 11:58	Update	Comments	(b)(6) Attorneys at Law	25485		User Change
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DhsComplaintPartiesInvolved	2014-05-22 11:58	Create	Last Name	(b)(6)	25488		User Change
DhsComplaintPartiesInvolved	2014-05-22 11:58	Create	Alien Registration	(b)(6)	25488		User Change
DhsComplaintPartiesInvolved	2014-05-22 11:57	Create	Contact Type	On Behalf Of	25487		User Change
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DhsComplaintPartiesInvolved	2014-05-22	Create	Last Name	(b)(6)	25486		User

[illegible]

The UPS Store # 0266
2443 Fair Oaks Blvd.
Sacramento, CA 95825
916.971.4957 Tel
916.971.1522 Fax
M-F 8am-7pm SAT 9am-5pm



The UPS Store



FAX COVER



To CIVIL RIGHT/CIVIL LIBERTIES From THE CIVIL RIGHTS COUNSELING CENTER
PO BOX 273400
SACRAMENTO CA 95827

Company U.S. DEPT OF HOMELAND SECURITY, WASHINGTON DC 20528 Phone No. 916-
Fax No. 302-401-4708 Pages (Including Cover) 11

Date DEC 10 2012

Subject HUMAN RIGHT ABUSE. INEQUALITY AND SLAVERY

IMAGINE AN AMERICA WITHOUT THE ACLU
I AM A SLAVE AND VICTIM OF CRIMES IN
AMERICA. THE FEDERAL GOVERNMENT IS
TRYING TO KILL ME BEHIND DOORS.

Help! Help! Help! NAACP, AMNESTY INTERNATIONAL
SPLC - Help! Help! Help! UNITED NATIONS - Help!
Help! Help! FAX: 212-

THE CHURCH:

CC - CIVIL RIGHT VIOLATION
U.S. DEPT OF JUSTICE
FAX: 202-307-1379



(b)(6)

Sacramento, CA 95827

Tel. (916) (b)(6)



December 8, 2012

H.E. President Barack Obama
White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

HON. Eric Holder
U.S. Attorney General,
US Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

U.S. Department of Justice
Civil Rights Violation Complaint
Fax (202) 307-1379

Civil Rights/Civil Liberties
U.S. Department of Homeland Security
Washington, DC 20500 Fax (202) 401-4708



Dear President Obama;

Re: HUMAN RIGHT ABUSE, INEQUALITY, SLAVERY, BULLYING BY UNSCRUPULOUS AGENTS OF THE U.S.
DEPARTMENT OF HOMELAND SECURITY.

One should never stop apologizing for America because of wicked, racist, corrupt, incompetent and proud government officials. May God continue to bless you as you care for the poor. Imagine an America without the ACLU, NAACP, Amnesty International.

"This black man does no hustle and flow." I am a fire-and-brimstone preacher in the pulpit when it comes to my right. My right was violated by two unscrupulous so-called agents of the U.S. Immigration and Customs Enforcement who came to my apartment and hit me on the head, sprayed my face with pepper spray on October 31, 2012. This is the second time of such an instance.

The Secret Human Right Abuse in America is worse than China and the Third World Countries. I am a victim of crime twice in the United States. I hate to recall the plague of such things in America.

Mr. President, can you imagine how many people, especially black men who are in prison for crimes they have not committed, only because wicked and good-for-nothing homeland security personnel who could tell lies to put them behind bars.

These unscrupulous men came to my apartment to kill me. The United Nations and the world should know that the U.S. Federal government in America seem to be trying to kill me behind closed doors.

Mr. President, I don't need any mega Methods Mass Media or Super Church to declare the racist, unscrupulous and wicked government officials in the federal buildings. The US Attorney General, Eric Holder, was right to say. "Americans are cowards when it comes to racism."

America: I am going through persecutions as a victim of crime in this great country but as II Timothy 3:12 gives me courage-
"All who desire to live godly in Jesus Christ will suffer persecution."

Thomas Jefferson said it right for this black man in America- "God who gave us life gave us liberty. I tremble for my country when I reflect that GOD IS JUST, that his justice cannot sleep forever."

"No black man is a scapegoat in America." I came to America twenty-five years ago without PTSD/ Lump/ Mass right testicles, traumatic chronic severe headaches, positive CVR heart disease and have been diagnosed with prostate cancer.

Mr. President, I do not need an apology but to file a lawsuit against two good-for-nothing officers. I was handcuffed from 1:15pm to 8:45pm on October 31, 2012. They took me to their office at 650 Capitol Mall in Sacramento sitting on a bench while they finished eating their sandwiches.

They prepared a false allegation and imprisonment report without allowing me to see a judge and I was told that there is no case against me on the third day (see attached inmate booking receipt). Is this America in the 21st century?

These so-called officers are racist and torturers and should be fired.

Mr. President, just like the freedom singers, "Ain't gonna let nobody turn me around, turn me around. I'm gonna keep on walkin', keep on talkin', marching up the freedom lane."

Thank you for your immediate response.

Sincerely

(b)(6)

P.S. They were called by a woman of the Social Security Office, who is engaging and exchanging relationships with the good-for-nothing officer (b)(6), (b)(7)(C)

(b)(6)

Sacramento CA 95827-6456



Regional Commissioner
Social Security Office
1221 Nevin Ave.
Richmond, CA 94804

President
Barack Obama
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Hon Eric Holder
U.S. Attorney - General
U.S. Department of Justice
950 Pennsylvania ave. NW
Washington, DC 20530

Michael Astrue
Commissioner of Social Security
6401 Security Blvd.
Baltimore, MD 21235

Congresswoman Doris Matsui
501 I Street Suite 12-600
Sacramento, CA 95814

Hon John Boehner
Speaker of the House
H-323 US Capitol
Washington, DC 20515

Executive Director
ACLU
125 Broad st. 18th floor
New York, NY 10004-2400

President NCAAP
4805 Mt. Hope Dr.
Baltimore, MD 21215

Director Southern Poverty
Law Center
400 Washington Ave.
Montgomery, AL 36104

Congress of the United States
House of Representatives
Washington, DC 20515-0505

Human Rights Headquarters
United Nations Organization
42nd Street First Avenue
FAX: 212-963-4879

Amnesty International
5 Penn Plaza
New York, NY 10001

Ambassador Susan Rice
US Ambassador to the
United Nations
140 East 45th Street
New York, NY 10017

Appeals Council
Social Security Administration
Office of Disability Adjudication
and Review
5107 Leesburg Dr.
Suite #1407
Fallschurch, VA 22041-3255

Executive Director
National Action Network
106 W 145th Street
Harlem, NY 10039
Tel: (212) 690-3070

Director
Civil Right/ Civil Liberties
U.S. Dept. of Homeland Security
MS 0190
245 Marine lane S.W.
Building 410
Washington, DC 20528

The President NAACP
816 H Street
Suite #205
Sacramento, CA 95814

Hon: Kamala Harris
Attorney-General
State of California
(916) 445-9555

Hon:Jan Scully
District Attorney-General
901 G street
Sacramento, CA 95814

ALL Physicians
OF MERCY MEDICAL GROUP
PSYCHIATRIST
Dr. (b)(6)
(b)(6)

Citizen's Complaint Against Police or Fire Personnel City of Sacramento, Office of Public Safety Accountability 915 I Street, 5th Floor, Sacramento, CA 95814 (916) 808-5704							
Indicate Fire or Police Complaint: ☒ Police ☒ Fire		OPSA CASE # 					
Primary Complainant							
First and last Name		(b)(6)					
Address		(b)(6)					
Home Phone		916- (b)(6)					
Date of Birth		ID #		Race		Gender	
				BLACK		MALE	
Secondary Complainant							
First and last Name							
Address							
Home Phone		Other Phone (please specify)					
Date of Birth		ID #		Race		Gender	
Incident Details (be as specific as possible. It is NOT necessary to know the name and badge # in order to file a complaint)							
Date and Time		October 31, 2012					
Place of Occurrence		(b)(6)					
Employee's Name or Description		(b)(6), (b)(7)(C)		gender		race	
				M		White	
Employee's Name or Description		(b)(6), (b)(7)(C)		gender		race	
				M		White	
Employee's Name or Description				gender		race	
Alleged Misconduct:		Activity Being Performed				Injuries:	
Discourtesy	☒	Arrest	☒	Investigation		None	☐
Discrimination	☒	Booking	☒	Patrol		Visible	☒
Force	☒	Custody	☒	Traffic Stop		Claimed	☒
Improper Tactics	☒	Detention	☒	Use of Emerg. Vehicle			
Service	☒	EMS	☐	Other	☒		
Other	☒						
Notes/Remarks							
These two racist and unscrupulous so-called Homeland Security officers should be fired. They are giving America a bad name. I am a victim of crime in America and just diagnosed with cancer. On the 31st of October instant, I was home when they bang my door and open and entered by these men in my apartment.							
For Staff Use Only							
Date Complaint Received:				New complaint			
By Phone				INFO ONLY			
In Person				Monitor Existing IA Complaint			
By Email				Date existing complaint filed			
Other							
Referral from CC				REFERRED TO IA		Internal Affairs	
Referral from IA				REFERRED TO OJA		Outside Jurisdiction Agency	
Other Referral				NO REFERRAL		Stays within OPSA	
IA Case #				REFERRED TO DEPT.			
SPD/SFD Case #				POLICY & PROCEDURE			

~~U.S. ATTORNEY GENERAL~~~~PRESIDENT OBAMA~~

* REPORT-JIPRM

SACRAMENTO COUNTY SHERIFF'S DEPARTMENT

PAGE 1

*

INMATE BOOKING INFORMATION RECEIPT

* DATE- 10/31/2012

TIME- 19:01

NAME-

(b)(6)

ADDR.

(b)(6)

DOB-

(b)(6)

POB.- UNKNOWN

CA

XREF-

(b)(6)

SACRAMENTO

CA 95825

VEHICLE DISPO.-

ARREST INFORMATION:

DATE- 10/31/12 TIME- 13:00 AGENCY- CA034CS9H

SOCIAL SECURITY ADM.
CALIFORNIA STATE DEPARTMENT HE

LOCATION- (b)(6)

BOOKINGS:

1) REGISTRY NUMBER- (b)(6)

WARRANT NBR.-

LEA.-

DATE- 10/31/2012 TIME- 19:00 TYPE- PICKUP (FRESH ARREST)

BAIL AMOUNT- \$250,000.00

CODE	SECTION	DESCRIPTION	SEVERITY	COUNT
PC	76	THREATENS LIFE OF GOVERNMENT OFFICIAL?	FEL	01
PC	69	RESISTING EXECUTIVE OFFICERS ?	FEL	01
PC	524	ATTEMPTED EXTORTION 2	FEL	01

CASES:
NONESocial Security Administration
Extortion?FALSE ALLEGATIONS
& IMPRISONMENTOUTSTANDING WARRANTS:
NONEHit & pepper spray
in my own apartment
with no warrant-OUTSTANDING HOLDS:
NONE

BAIL STATUS: TOTAL BAIL REQUIRED FOR RELEASE- \$250,000.00

Case was dismissed without seeing a judge
or present in court. ??? I NEED
AN ATTORNEY
TO STOP
THIS ABUSE.

Medical reports are available

NAACP, ACLU, SPLC, AMNESTY INT.

Victims of crime

800-842-8467

Victim of crime

901 G Street

Victim of crime

916-874-5701

329-4200
4300SAN FRANCISCO ACLU
415-621 2488

Ms Alice

THE UNITED NATIONS
DISABILITIES.THE
ENTIRE
CHURCH
&
CIVIC
LEADER
ATTORNEY
BAR ASSOCTHE PRESIDENT
NAACP
816 H Street
Ste 205
SACCA 95814
916-447-8629



PHONE NUMBER: (800) 906-6552 Ext. Pacific Standard Time - 8:00am to 4:30pm

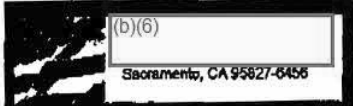
RUN NUMBER: 12-332448

WMC1119A AUTO 3-DIGIT 958
7000000453 01.0002.0167 453/1



(b)(6)

SACRAMENTO CA 95825-7682



(b)(6)

Sacramento, CA 95827-6456

RE: Incident No. : 12138213
Date of Service: 10/31/2012



SACRAMENTO METROPOLITAN FIRE DISTRICT
PO BOX 269110
SACRAMENTO CA 95826-9110

You were in need of our services on the above date. The Sacramento Metropolitan Fire District (SMFD) continually strives to provide the best in emergency medical care. Therefore we ask that you take a few minutes to complete the survey below and let us know how we did. Please return your remarks in the envelope provided at your earliest convenience. If you have questions please feel free to call us at (800) 906-6552. Thank you in advance for your help.

	Excellent	Above Average	Average	Below Average	Needs Improvement
Did we respond in a timely manner?	☐	☐	☐	☒	☐
Was the Fire Department Dispatch Operator courteous and helpful?	☐	☐	☐	☐	☐
Were the Members of the SMFD courteous, friendly and professional?	☐	☐	☐	☒	☐
Were the procedures and actions taking place fully explained to you?	☐	☐	☐	☒	☐
Was the transport service provided by the SMFD Ambulance Program efficient and professional?	☐	☐	☐	☒	☐
Overall were you satisfied with the service provided to you by the SMFD ?	☐	☐	☐	☒	☐

Additional Comments: "No black man is a scapegoat" in America. The
two good fr. nothing U.S. department of Homeland Security bastards
called the ambulance because they hit my head and pepper spray my
eyes. I am a victim of crime with illness. I am under doctor's care
They called for help and the paramedics officers were laughing and making
jokes about black people. My illness was not taken seriously. They should
be fired. They are disgrace to America.

DORIS O. MATSUI
5TH DISTRICT, CALIFORNIA
COMMITTEE ON ENERGY
AND COMMERCE

Congress of the United States
House of Representatives
Washington, DC 20515-0505

WASHINGTON OFFICE:
222 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0805
(202) 226-7163

DISTRICT OFFICE:
ROBERT T. MATSUI U.S. COURTHOUSE
501 I STREET, SUITE 12-600
SACRAMENTO, CA 95814
(916) 498-5600
<http://matsui.house.gov>

September 18, 2012

(b)(6)

Sacramento, CA 95827

Dear

(b)(6)

Thank you for your letter regarding your concerns about your disability benefits and the scheduling of a hearing. .

I understand and appreciate your desire to have this matter resolved as soon as possible. In an effort to assist you, I have written to the Social Security Office of Disability Adjudication and Review on your behalf requesting an immediate review of your concerns. In general, federal agencies take between four and six weeks to respond to congressional inquiries.

Again, thank you for contacting me for assistance. Please be assured that I will keep you informed of any developments in this case.

Sincerely,

Don's O. Matsui

DORIS O. MATSUI
Member of Congress

W.H.W. White Jr

DOM:cf

35282-5



To
(b)(6)

Thank you for all that you have done for our Party and our Nation.

Rin Christen

Barack Obama

The Directors and Officers of the
**Board of Christian Professional
 and Pastoral Counselors**

have conferred upon

(b)(6)

the voluntary, global credential of
BOARD CERTIFIED CHRISTIAN COUNSELOR
 who maintains the highest clinical, ethical and biblical standards of practice.



Tim Clinton
 Tim Clinton, Ed.D., LPC, LMFT, BCPCC
 IBCCM Board Chairman

*Given at Forest, Virginia in the
 United States of America on
 August 23, 2007*

BCCC #0199

Kenneth W. Nichols
 Kenneth W. Nichols, Psy.D., BCCC
 BCPPC Executive Director

Eric T. Scalise
 Eric T. Scalise, Ph.D., LPC, LMFT, BCPCC
 IBCCM Executive Director

TRINITY COLLEGE & SEMINARY

Newburgh, Indiana
1996

INTERNATIONAL ALUMNI ASSOCIATION

THIS IS TO CERTIFY
THAT THE BEARER
IS A TRINITY ALUMNUS
ENTITLED TO ALL THE RIGHTS AND PRIVILEGES
OF FAITHFUL MEMBERSHIP



IMI Bible College & Seminary
P.O. Box 2107 • Vista, California 92085
Student Body Card

(b)(6)

is enrolled as a student of IMI Bible College and Seminary, and entitled to all rights and privileges pertaining thereto, for so long as he/she upholds the IMBCS standards for enrollment.

Expires December 31, 2002. Must be renewed annually.

Dr. Rocco Bruno 12/18/01
President Date

MEMBER



ACLU

AMERICAN CIVIL LIBERTIES UNION

(b)(6)

Susan T. Herman
PRESIDENT

A. Brown
EXECUTIVE DIRECTOR

Interdenominational Ministries International

P.O. Box 2107 • Vista, California 92085

(b)(6)



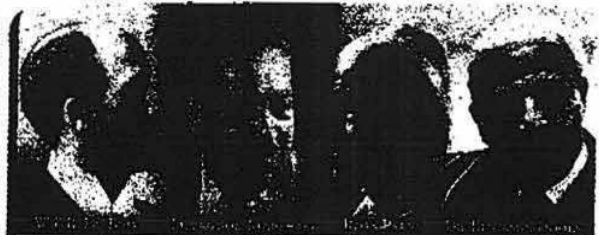
The (b)(6) is a Licensed and Ordained Minister of the Gospel of our Lord Jesus Christ, has achieved four years (or equal) of Bible College, and may hold services and administer ordinances, so long as he/she maintains Christian fellowship, godly character, and upholds IMI credential requirements.

Expires December 31, 2002. Must be renewed Annually.

Dr. Rocco Bruno 12/18/01
President Date



(b)(6)



2012 SUPPORTER

(b)(6)



(b)(6)



(b)(6)

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-HQ-13-0093 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2012-12-10 15:24	Update	Summary	On December 8 2012 , CRCL received facsimile correspondence from (b)(6) This correspondence was also addressed to the USDOJ, US Attorney General and the President of the United States cced the NAACP, UCLA and other organizations. In	8756	(b)(6)	User Change
DhsComplaint	2012-12-10 15:24	Update	Executive Summary	On December 8 2012 , CRCL received facsimile correspondence from (b)(6) This correspondence was also addressed to the USDOJ, US Attorney General and the President of the United States cced the NAACP, UCLA and other organizations. In	8756		User Change
DhsComplaint	2012-12-10 15:13	Create	Component Referenced	USCIS	8756		User Change
DhsComplaint	2012-12-10 15:13	Create	Summary	On Decemer 8 2012 , CRCL received facsimile correspondence from (b)(6) This correspondence was also addressed to the USDOJ, US Attorney General and the President of the United States cced the NAACP, UCLA and other organizations. In	8756		User Change
DhsComplaint	2012-12-10 15:13	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	8756		User Change
DhsComplaint	2012-12-10 15:13	Create	Days to Process	0	8756		User Change
DhsComplaint	2012-12-10 15:13	Create	Date to CRCL	12/10/2012	8756		User Change
DhsComplaint	2012-12-10 15:13	Create	Date to DHS	12/10/2012	8756		User Change
DhsComplaint	2012-12-10	Create	Date on	12/10/2012	8756		User

	15:13		Correspondence				(b)(6)	Change
DhsComplaint	2012-12-10 15:13	Create	Sender Type	Individual		8756		User Change
DhsComplaint	2012-12-10 15:13	Create	Method of Receipt	Fax		8756		User Change
DhsComplaint	2012-12-10 15:13	Create	Entry Date	12/10/2012		8756		User Change
DhsComplaint	2013-06-17 16:53	Update	Component Referenced	DHS-HQ		8756		User Change
DhsComplaint	2013-06-17 16:53	Update	Summary	On December 8 2012, CRCL received facsimile correspondence from (b)(6). This correspondence was also addressed to the USDOJ, US Attorney General and the President of the United States cced the NAACP, UCLA and other organizations.		8756		User Change
DhsComplaint	2013-06-17 16:53	Update	Days to Process	189	In	8756		User Change
DhsComplaintDocument	2012-12-10 15:14	Create	Foreign Language	No		88829		User Change
DhsComplaintDocument	2012-12-10 15:14	Create	Document Type	Incoming Letter		88829		User Change
DhsComplaintDocument	2012-12-10 15:14	Create	Document 1	12.10.2012 (b)(6) pdf		88829		User Change
DhsComplaintDocument	2012-12-10 15:14	Create	Date entered	12/10/2012		88829		User Change
DhsComplaintIssue	2013-06-17 15:56	Update	Situation	DHS law enforcement activity		14048		User Change
DhsComplaintIssue	2012-12-10 15:19	Create	City	Sacramento		14048		User Change
DhsComplaintIssue	2012-12-10 15:19	Create	Redirect to Subject	No		14048		User Change

DhsComplaintIssue	2012-12-10 15:19	Create	State	California - CA	(b)(6)	14048	User Change
DhsComplaintIssue	2012-12-10 15:19	Create	Ongoing	No		14048	User Change
DhsComplaintIssue	2012-12-10 15:19	Create	Situation	DHS supported activity (not 287(g))		14048	User Change
DhsComplaintIssue	2012-12-10 15:19	Create	(b)(5),(b)(7)(A)	(b)(5),(b)(7)(A)		14048	User Change
DhsComplaintIssue	2012-12-10 15:19	Create	Incident Location	(b)(6)		14048	User Change
DhsComplaintIssue	2012-12-10 15:19	Create	Primary Issue	Yes		14048	User Change
DhsComplaintPartiesInvolved	2012-12-10 15:17	Create	First Name	(b)(6)		23657	User Change
DhsComplaintPartiesInvolved	2012-12-10 15:17	Create	Contact Type	Sender		23657	User Change
DhsComplaintPartiesInvolved	2012-12-10 15:17	Create	Address Line 1	(b)(6)		23657	User Change
DhsComplaintPartiesInvolved	2012-12-10 15:17	Create	Zip Code	95827		23657	User Change
DhsComplaintPartiesInvolved	2012-12-10 15:17	Create	Last Name	(b)(6)		23657	User Change
DhsComplaintPartiesInvolved	2012-12-10 15:17	Create	City	Sacramento		23657	User Change
DhsComplaintPartiesInvolved	2012-12-10 15:17	Create	State	California - CA		23657	User Change

From: (b)(6)@gmail.com]

Sent: Sunday, May 12, 2013 4:42 PM

To: CRCL

Subject: National security threat complaint

Please view the complaint form for further information and details.



Department of Homeland Security (DHS)
Office for Civil Rights and Civil Liberties

Civil Rights Complaint

Fillable Version (last modified 3/15/2011)

The purpose of this form is to assist you in filing a civil rights/civil liberties complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding DHS programs and activities. This form is not intended to be used for complaints about employment with DHS. You are not required to use this form to file a complaint; a letter with the same information is sufficient. However, if you file a complaint by letter, you should include the same information that is requested in the form.

CRCL Mission:

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin (including language proficiency), religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see www.dhs.gov/eeo.)
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency?
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women Act's confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

Notes on Confidentiality and Anonymity:

- A)** You may remain anonymous by not filling in your name, below. However, CRCL may not be able to investigate your complaint unless you provide enough information to conduct an investigation.
- B)** Disclosure of the information you provide, including your identity, is on a "need-to-know" basis, and is discussed in the Privacy Statement at the end of this document. **IF YOU CHECK THE BOX BELOW, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct).** Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.
- ☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.
- C)** Retaliation against complainants to CRCL is unlawful; if you feel you have been a victim of reprisal, CALL US. 1-866-644-8360.

Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① Information about the person who experienced the civil rights/civil liberties violation

(fill in what you can)

Name: (b)(6) (b)(6)
First and Middle Last

Phone #: Cell: (b)(6) Home: Work:

Please note that we may contact you at the provided numbers.

Mailing Address: (b)(6) Senegal
PO Box or Street address City State Zip

Date of Birth: (b)(6) Email (optional): (b)(6) @gmail.com

Alien Registration #: (if you have one and it's available): (b)(6)

☐ Check here if you are in detention now.

Which facility? _____
Facility name Facility address

☐ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information _____

② Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.

Name: _____
First Last Job title

Organization (if any): _____

Phone #: Cell: Home: Work:

Mailing Address: _____
PO Box or Street address City State Zip

③ What happened? Describe your complaint. Give as much detail about your experience as possible.

On January 21, 2011, I was raided and arrested by ICE in my apartment lead by agent (b)(6),(b)(7)(C). With me, they found an expired Senegalese passport, and a social security card. The raid was so extreme it left me traumatized and scared. They came with machine guns and surrounded me as though I am a criminal and armed and dangerous, which was extremely disturbing for me. When they surrounded me, they cuffed me and brought me back into my apartment for questioning. I asked agent (b)(6),(b)(7)(C) why did you come with all these guns and in this fashion as though I am a "Terrorist" ? When I said the word "Terrorist" the whole mood changed as though it was the wrong thing to say. He replied, "the last time we raided someone and they said this same exact thing you said, he turned up being a serious case." So because of that, I was looked at as a potential threat. So when they brought me back to the ICE office for processing, I was treated differently from the other detainees who where primarily Hispanic. I was interrogated again by agent Wright with series of incriminating questions about my religious beliefs, and the places of worship that I attended. He asked me ridiculous questions about members who attend the mosque with me, if they where cases of people who look suspicious, or talked about doing things out of the ordinary. This was completely crazy, and prejudice against Muslims. I told him not all Muslims are terrorists. I told agent (b)(6),(b)(7)(C) that " I think you are taking this whole thing out of proportion, just because I am a Muslim, and I mentioned the word terrorist, then I must be one. Just because I happened to be a Muslim, and happened to be illegal in the in the country doesn't make me a terrorist, or a threat to the national security of the United States, nor does it mean I know people who may be terrorist. This was so unfair to me. At that point, they've pretty much drew a picture in their minds about me no matter what I would have said. I was tagged as a threat to national security.

Continue on an additional page, if needed.

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

This whole thing happened the same day, and continued on for the next 7 months being unrightfully detained. However agent (b)(6) offered me a way out which was to work for them. They wanted me to be an informant, and to go and spy on other potential criminals or even other Muslims, and he said this was the only way I was going to ever get the chance to walk on the streets. I said to myself, wait a minute, I am no criminal nor a terrorist, nor a threat to national security of the United States, and I am certainly not going to put my safety and life in jeopardy just because some agent wants to catch a big fish on the expense of my own freedom. When they offered me this deal is when I realized that they know I am no threat, yet they want to use me for their own benefit. So I asked to be deported when I realized that my case was hopeless. I've been deported almost 2 years now, and this tag which was placed on me wrongfully will hinder me from traveling to other countries in the future. This is completely unfair, and unjust to me. I have to suffer not only from being displaced from deportation, but also having to suffer for the rest of my life with a tag of threat to national security, and being denied entry to other countries because of it.

Where did this happen?

Place (for example, name the detention facility, airport, other):

(b)(6)

City: Clarkston

State or Country: Georgia

④ Who treated you unfairly?

An employee, contractor, or officer of (check as many as apply):

- | | |
|---|---|
| ☐ Citizenship and Immigration Services (USCIS) | ☐ Not sure which DHS office |
| ☐ Customs and Border Protection (CBP)* | ☐ Non-DHS employee working under the authority of DHS (e.g., 287g officer) |
| ☐ Customs Officer | specify: _____ |
| ☐ Border Patrol Agent | |
| ☐ Federal Emergency Management Agency (FEMA) | |
| ☒ Immigration and Customs Enforcement (ICE) | |
| ☐ Secret Service (USSS) | |
| ☐ Transportation Security Administration (TSA)* | |
| ☐ U.S. Coast Guard (USCG) | |
| ☐ Other DHS program (specify) : | |

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): (b)(6) roommate during detention

Mailing Address: _____
PO Box or Street address City State or Country Zip

Phone No.: 954 (b)(6) Email: _____

Names (or other information, e.g., agency): (b)(6)

Mailing Address: _____
PO Box or Street address City State or Country Zip

Phone No.: _____ Email: (b)(6)@gmail.com

Continue on an additional page, if needed.

⑥ **Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?**

☒ **Yes:** Agency/Office/Court ICE

Date: 02/13/2013

☐ **No**

If so, has anyone responded to your complaint?

☒ **Yes** ☐ **No**

If Yes, describe what has been done to respond to your complaint:

I called ICE in order to inform them of my situation, but all I was told was they are not responsible for other countries on how they determine who enters their country. And I was told if I attempted to come back to the United States without waiting out the 10 years banned placed on me, I would face arrest up to 3 years in federal prison. I told the representative, I was not attempting to come back, I was only inquiring about my issue of being tagged as a threat to national security, and how I was unfairly dealt with, and what I need to do, in order to remove this injustice. She couldn't help me nor did she recommend to me what to do to deal with it.

Continue on an additional page, if needed.

⑦ **Is there any other information you want us to know about or consider?**

I agree that I was in the wrong by living in the United States illegally although it was of no fault of mine, because I was brought in the country as a child. In my 17 years in the United States, I was a good kid. I went to school, and I worked, and I paid taxes. I was never involved in any criminal activities, nor do I have a criminal record. I've never abused drugs, or had any issues with the law. All I wanted was to be successful and be a positive contributor to a nation that help made me who I am today. However, it is not fair that I was labeled as a threat to national security without solid evidence, and it is not fair that I have to suffer for it for the rest of my life even after being deported from the country. I want to travel around the world, and live my life like any normal human being in pursue of love and happiness but I am unable to do so with such thing in my profile. All I am asking is for this label to be taken off. Thank you.

Continue on an additional page, if needed.

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.
-

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: crcl@dhs.gov

Phone: Local: 202-401-1474 or

Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470

Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security

CRCL/Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ To submit this form by email, please save, attach, and send to crcl@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to crcl@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the **types** of complaints, and **do not include personal information**. To read our past reports, go to www.dhs.gov/crcl.

To learn more about the Privacy Act go to the Federal Information Center, www.pueblo.gsa.gov.

You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.

Continue on this page, if needed.

I grew up in the United States for the most part of my life. I lived there for the past 17 years. However, I have a very complex situation. When I was of the age of 11, my mother took me to the U.S illegally with one of my cousin's passport in the year of 1995. So I started off on the wrong foot, with no fault of my own as I was a child. I went to school there, up until University in which I was able to complete roughly a year or so, before being repatriated back to Senegal for illegally being in the country. My mother tried to rectify the issue while I was in the States by falsely applying for asylum for me, and managed to have a passport of my own made at that time from Senegal and had it sent in the states although I never used it. That passport was kept by the authorities in the States before being deported. In all fairness to my mother, she only wanted what was best for her child, and to have a good life there just like any parent would have, but she failed to do things the right way, but as a result, it only hurt me. As I became an adult, and realizing my sticky situation, which inconveniently was around the time period of September 11, which changed the whole dynamics of the United States and its immigration outlook as we all know; it made things much more difficult and strict especially towards Muslims. There wasn't really anything I could do at that point to rectify the issue because I was no longer regarded as a minor by law, and I was held responsible for my own condition. With those difficult circumstances, I still managed to keep my head up and be positive. I worked full time, paid for school part time. I was never involved in immoral activities, I never done drugs or alcohol, nor have I ever committed any crimes in the American soil. I have no criminal record. Despite all that, I got deported to Senegal. It was a very difficult experience being displaced and losing all of my property, money, friends, and ambitions. I mentioned all of these sensitive information in good faith, because I am an honest individual, and I want to be free from the injustice of being label something that I am free from.

Continue on this page, if needed.

From: (b)(6)
Sent: Monday, May 13, 2013 11:15 AM
To: CRCL
Subject: complaint



Department of Homeland Security (DHS)
Office for Civil Rights and Civil Liberties

Civil Rights Complaint

Fillable Version (last modified 3/15/2011)

The purpose of this form is to assist you in filing a civil rights/civil liberties complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding DHS programs and activities. This form is not intended to be used for complaints about employment with DHS. You are not required to use this form to file a complaint; a letter with the same information is sufficient. However, if you file a complaint by letter, you should include the same information that is requested in the form.

CRCL Mission:

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin (including language proficiency), religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see www.dhs.gov/eeo.)
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency?
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women Act's confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

Notes on Confidentiality and Anonymity:

- A)** You may remain anonymous by not filling in your name, below. However, CRCL may not be able to investigate your complaint unless you provide enough information to conduct an investigation.
- B)** Disclosure of the information you provide, including your identity, is on a "need-to-know" basis, and is discussed in the Privacy Statement at the end of this document. **IF YOU CHECK THE BOX BELOW, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct).** Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.
- ☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.
- C)** Reprisal against complainants to CRCL is unlawful; if you feel you have been a victim of reprisal, CALL US. 1-866-644-8360.

Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① Information about the person who experienced the civil rights/civil liberties violation

(fill in what you can)

Name: (b)(6) (b)(6)

Phone #: Cell: (b)(6) Home: n/a Work: n/a

Please note that we may contact you at the provided numbers.

Mailing Address: (b)(6) Dakar, Senegal

Date of Birth: (b)(6) Email (optional): (b)(6) @gmail.com

Alien Registration #: (if you have one and it's available): (b)(6)

☐ Check here if you are in detention now.

Which facility? Facility name Facility address

☐ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information

② Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.

Name: (b)(6) (b)(6) Team Member

Organization (if any): (b)(6)

Phone #: Cell: (b)(6) Home: n/a Work: n/a

Mailing Address: (b)(6) Southampton, UK Hampshire SO14 0LN

③ What happened? Describe your complaint. Give as much detail about your experience as possible.

My fiancé (b)(6) was in the Stewart Detention Centre in Georgia for being in the states illegally. He was then deported back to his birth country Senegal. He has been removed as a national threat. However, he was never given the option to defend his case in court. Also, he has got no criminal convictions, therefore there was no justification for the authorities to classify him as a national threat. My view is that he was discriminated by the authorities because he is a practising muslim. Moreover, as he was brought to the states as a 11 year old boy by his mother, the illegal immigration to the states was not his fault. I would like to request more information on his case and whether and how there is a way of lifting his deportation and national threat classification. This is because we are planning to get married in 2 weeks time and his status makes everything very complicated. After getting married, I would like us to go to Germany to visit my parents there and then move to the UK together where I currently live. However with his current status I doubt that my fiancé will get any kind of visa at all, be it for the UK, Germany, or Europe in general. I am asking you to review his case and give him justice so that we can start a life together.

Continue on an additional page, if needed.

When did this happen? If ongoing, please indicate when the problem began.

(If it happened on more than one date, list all dates):

21st January 2011

Where did this happen?

Place *(for example, name the detention facility, airport, other)*: _____

City: Clarkston State or Country: Georgia

④ Who treated you unfairly?

An employee, contractor, or officer of *(check as many as apply)*:

- | | |
|---|---|
| ☐ Citizenship and Immigration Services (USCIS) | |
| ☐ Customs and Border Protection (CBP)* | ☐ Not sure which DHS office |
| ☐ Customs Officer | ☐ Non-DHS employee working under the authority |
| ☐ Border Patrol Agent | of DHS (e.g., 287g officer) |
| ☐ Federal Emergency Management Agency (FEMA) | specify: _____ |
| ☒ Immigration and Customs Enforcement (ICE) | |
| ☐ Secret Service (USSS) | |
| ☐ Transportation Security Administration (TSA)* | |
| ☐ U.S. Coast Guard (USCG) | |
| ☐ Other DHS program <i>(specify)</i> : | |

*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: www.dhs.gov/trip.

⑤ List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): _____

Mailing Address: _____
PO Box or Street address City State or Country Zip

Phone No.: _____ Email: _____

Names (or other information, e.g., agency): _____

Mailing Address: _____
PO Box or Street address City State or Country Zip

Phone No.: _____ Email: _____

Continue on an additional page, if needed.

- ⑥ **Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?**

☐ **Yes:** Agency/Office/Court _____ Date: _____
☒ **No**

If so, has anyone responded to your complaint?

☐ **Yes** ☐ **No**

If Yes, describe what has been done to respond to your complaint:

Continue on an additional page, if needed.

- ⑦ **Is there any other information you want us to know about or consider?**

My fiancé has no intention to go back to the USA. I am only requesting this information in order to make our future life easier.

Continue on an additional page, if needed.

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.
-

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: crcl@dhs.gov

Phone: Local: 202-401-1474 or

Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470

Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security

CRCL/Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ To submit this form by email, please save, attach, and send to crcl@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to crcl@dhs.gov, or mail to the address listed above.)

Keep a copy of this complaint for your records.

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Continue on this page, if needed.

Continue on this page, if needed.

From: (b)(6)
To:
Subject: RE: DHS TRIP search request
Date: Friday, June 21, 2013 2:55:00 PM

Thanks

From: (b)(6)
Sent: Friday, June 21, 2013 2:55 PM
To: (b)(6)
Subject: RE: DHS TRIP search request

He has not filed a TRIP request under that name. His fiancé hasn't filed a request either.

From: (b)(6)
Sent: Friday, June 21, 2013 2:44 PM
To: (b)(6)
Subject: DHS TRIP search request

Hi (b)(6)

Re Contact-ICE-13-0398, a new Info Layer Contact matter

At yesterday's case opening meeting, Jeff advised that we check to see if the complainant has filed a TRIP request, and if he has not, advise him to contact DHS TRIP. If he has a pending request, we would advise him to follow up with TRIP regarding his concerns.

The complainant is (b)(6). He and his fiancée (b)(6) each wrote to CRCL expressing their wish that Mr. (b)(6) "security threat" label be removed.

Can you please check the TRIP database at your convenience?

Thanks,

(b)(6)

Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)
(b)(6)@hq.dhs.gov

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-ICE-13-0398 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2013-06-11 16:06	Update	Sender Type	Individual	9080	(b)(6)	User Change
DhsComplaint	2013-06-11 16:06	Update	Days to Process	29	9080	(b)(6)	User Change
DhsComplaint	2013-06-11 16:06	Update	Date to CRCL	05/13/2013	9080	(b)(6)	User Change
DhsComplaint	2013-06-11 16:06	Update	Date on Correspondence	05/12/2013	9080	(b)(6)	User Change
DhsComplaint	2013-06-11 16:06	Update	Date to DHS	05/13/2013	9080	(b)(6)	User Change
DhsComplaint	2013-06-11 16:06	Update	Component Referenced	ICE	9080	(b)(6)	User Change
DhsComplaint	2013-06-12 14:02	Update	Days to Process	30	9080	(b)(6)	User Change
DhsComplaint	2013-06-12 14:02	Update	Summary	On May 13, 2013, CRCL Compliance Branch received from the CRCL Front Office email correspondence dated May 12, 2013 from (b)(6) a former detainee at Stewart Detention Center in Georgia. Mr. (b)(6) alleges that on January 24, 2011	9080	(b)(6)	User Change
DhsComplaint	2013-06-12 14:02	Update	Executive Summary	On May 13, 2013, CRCL Compliance Branch received from the CRCL Front Office email correspondence dated May 12, 2013 from a former detainee at Stewart Detention Center in Georgia. The individual alleges that on January 24, 2011 in Clarkston, Georgia, ICE	9080	(b)(6)	User Change
DhsComplaint	2013-06-12 14:13	Update	Summary	On May 13, 2013, CRCL Compliance Branch received from the CRCL Front Office email correspondence dated May 12, 2013 from (b)(6) a former detainee at Stewart Detention Center in Georgia. Mr. (b)(6) alleges that on January 24, 2011	9080	(b)(6)	User Change
				On May 13, 2013, CRCL Compliance Branch received from			

DhsComplaint	2013-06-12 14:14	Update	Summary	the CRCL Front Office email correspondence dated May 12, 2013 from (b)(6), a former detainee at Stewart Detention Center in Georgia. Mr. (b)(6) alleges that on January 24, 2011	9080	(b)(6)	User Change
DhsComplaint	2013-06-17 15:14	Update	Days to Process	36	9080		User Change
DhsComplaint	2013-06-17 15:14	Update	Date to CRCL	05/12/2013	9080		User Change
DhsComplaint	2013-06-17 15:14	Update	Summary	On May 12, 2013, CRCL received email correspondence from (b)(6) a former ICE detainee at Stewart Detention Center in Lumpkin, Georgia. Mr. (b)(6) alleges that on January 24, 2011 in Clarkston, Georgia, ICE Agents led by Special Ag	9080		User Change
DhsComplaint	2013-06-17 15:14	Update	Date to DHS	05/12/2013	9080		User Change
DhsComplaint	2013-06-17 15:14	Update	Executive Summary	On May 12, 2013, CRCL received email correspondence from a former ICE detainee at Stewart Detention Center in Lumpkin, Georgia. The individual alleges that on January 24, 2011 in Clarkston, Georgia, ICE Agents led by Special Agent (b)(6)(b)(7)(C) ente	9080		User Change
DhsComplaint	2013-06-17 15:26	Update	Summary	On May 12, 2013, CRCL received email correspondence from (b)(6) a former ICE detainee at Stewart Detention Center in Lumpkin, Georgia. Mr. (b)(6) alleges that on January 24, 2011 in Clarkston, Georgia, ICE Agents led by Special Ag	9080		User Change
DhsComplaint	2013-06-17 15:26	Update	Executive Summary	On May 12, 2013, CRCL received email correspondence from a former ICE detainee at Stewart Detention Center in Lumpkin, Georgia. The individual alleges that on January 24, 2011 in Clarkston, Georgia, ICE Agents led by Special Agent (b)(6)(b)(7)(C) ente	9080		User Change
DhsComplaint	2013-06-11 15:45	Create	Entry Date	06/11/2013	9080		User Change
DhsComplaint	2013-06-11 15:45	Create	Method of Receipt	Email	9080		User Change
DhsComplaint	2013-06-11 15:45	Create	Sender Type	Government Agency	9080		User Change
DhsComplaint	2013-06-11 15:45	Create	Number of Complainants	1	9080		User Change

DhsComplaint	2013-06-11 15:45	Create	Date on Correspondence	03/21/2013		9080	(b)(6)	User Change
DhsComplaint	2013-06-11 15:45	Create	Date to DHS	04/01/2013		9080		User Change
DhsComplaint	2013-06-11 15:45	Create	Date to CRCL	04/01/2013		9080		User Change
DhsComplaint	2013-06-11 15:45	Create	Days to Process	71		9080		User Change
DhsComplaint	2013-06-11 15:45	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty		9080		User Change
DhsComplaint	2013-06-11 15:45	Create	Summary	To be entered once feedback is received from	(b)(6)	9080		User Change
DhsComplaint	2013-06-11 15:45	Create	Component Referenced	CBP		9080		User Change
DhsComplaintAction	2013-07-16 18:46	Create	Comments	Per Jeff Blumber on 6/20/2013	(b)(5)	110881		User Change
DhsComplaintAction	2013-07-16 18:46	Create	Action Date	07/16/2013		110881		User Change
DhsComplaintAction	2013-07-16 18:46	Create	Action	Respond to Sender with no further action		110881		User Change
DhsComplaintAction	2013-07-16 19:00	Update	Document	Contact-ICE-13-0398 (05.13.2013).pdf		110881		User Change
DhsComplaintDocument	2013-06-11 15:46	Create	Dateentered	06/11/2013		90897		User Change
DhsComplaintDocument	2013-06-11 15:46	Create	Document 1	04.01.2013	(b)(6) via HHS.pdf	90897		User Change
DhsComplaintDocument	2013-06-11 15:46	Create	Foreign Language	No		90897		User Change

DhsComplaintDocument	2013-06-11 15:46	Create	Document Type	Incoming Letter	(b)(6)	User Change
DhsComplaintDocument	2013-06-21 15:01	Create	Comments	CRCL email documenting that there is no record of any DHS TRIP request made by (b)(6) or by (b)(6) on behalf of Mr. (b)(6)	91066	User Change
DhsComplaintDocument	2013-06-21 15:01	Create	Document Type	Miscellaneous Material/Other	91066	User Change
DhsComplaintDocument	2013-06-21 15:01	Create	Dateentered	06/21/2013	91066	User Change
DhsComplaintDocument	2013-06-21 15:01	Create	Foreign Language	No	91066	User Change
DhsComplaintDocument	2013-06-21 15:01	Create	Document 1	06.21.2013 Contact-DHS-13-0398_CRCL Internal Email.pdf	91066	User Change
DhsComplaintDocument	2013-06-11 16:09	Create	Dateentered	06/11/2013	90898	User Change
DhsComplaintDocument	2013-06-11 16:09	Create	Document 1	05.13.2013 (b)(6).pdf	90898	User Change
DhsComplaintDocument	2013-06-11 16:09	Create	Foreign Language	No	90898	User Change
DhsComplaintDocument	2013-06-11 16:09	Create	Document Type	Incoming Letter	90898	User Change
DhsComplaintDocument	2013-06-11 16:10	Update	Comments	Supplemental incoming from fiancée	90897	User Change
DhsComplaintDocument	2013-06-11 16:12	Create	Dateentered	06/11/2013	90899	User Change
DhsComplaintDocument	2013-06-11 16:12	Create	Document 1	(b)(6) EARM Case Summary .pdf	90899	User Change
DhsComplaintDocument	2013-06-11 16:12	Create	Foreign Language	No	90899	User Change
DhsComplaintDocument	2013-06-11	Create	Document 3	(b)(6) EARM Detention .pdf	90899	User

[illegible]

DhsComplaintIssue	06-11 16:27	Create	Ongoing	No		14413	(b)(6)	User Change
DhsComplaintIssue	2013- 06-11 16:27	Create	Incident Location	(b)(6)		14413		User Change
DhsComplaintIssue	2013- 06-11 16:28	Create	Primary Issue	No		14414		User Change
DhsComplaintIssue	2013- 06-11 16:28	Create	Comments	The address listed is Mr. (b)(6) apartment		14414		User Change
DhsComplaintIssue	2013- 06-11 16:28	Create	Incident Location Type	Residence		14414		User Change
DhsComplaintIssue	2013- 06-11 16:28	Create	Incident Date	01/24/2011		14414		User Change
DhsComplaintIssue	2013- 06-11 16:28	Create	Country	United States		14414		User Change
DhsComplaintIssue	2013- 06-11 16:28	Create	Situation	DHS law enforcement activity		14414		User Change
DhsComplaintIssue	2013- 06-11 16:28	Create	Redirect to Subject	No		14414		User Change
DhsComplaintIssue	2013- 06-11 16:28	Create	City	Clarkston		14414		User Change
DhsComplaintIssue	2013- 06-11 16:28	Create	(b)(5)	(b)(5)		14414		User Change
DhsComplaintIssue	2013- 06-11 16:28	Create	State	Georgia - GA		14414		User Change
DhsComplaintIssue	2013- 06-11 16:28	Create	Ongoing	No		14414		User Change
DhsComplaintIssue	2013- 06-11 16:28	Create	Incident Location	(b)(6)		14414		User Change
DhsComplaintPartiesInvolved	2013- 06-11 16:17	Create	Sender Anonymous	No		24210		User Change

DhsComplaintPartiesInvolved	2013-06-11 16:17	Create	Phone	(b)(6)	(b)(6)	24210	User Change
DhsComplaintPartiesInvolved	2013-06-11 16:17	Create	Address Line 1	(b)(6)	(b)(6)	24210	User Change
DhsComplaintPartiesInvolved	2013-06-11 16:17	Create	Last Name	(b)(6)	(b)(6)	24210	User Change
DhsComplaintPartiesInvolved	2013-06-11 16:17	Create	City	Dakar	(b)(6)	24210	User Change
DhsComplaintPartiesInvolved	2013-06-11 16:17	Create	Prefix	Mr	(b)(6)	24210	User Change
DhsComplaintPartiesInvolved	2013-06-11 16:17	Create	Alien Registration	(b)(6)	(b)(6)	24210	User Change
DhsComplaintPartiesInvolved	2013-06-11 16:17	Create	First Name	(b)(6)	(b)(6)	24210	User Change
DhsComplaintPartiesInvolved	2013-06-11 16:17	Create	Email	(b)(6)@gmail.com	(b)(6)	24210	User Change
DhsComplaintPartiesInvolved	2013-06-11 16:17	Create	Country	Senegal	(b)(6)	24210	User Change
DhsComplaintPartiesInvolved	2013-06-11 16:17	Create	Contact Type	Sender	(b)(6)	24210	User Change
DhsComplaintPartiesInvolved	2013-06-11 16:19	Create	Phone	954 (b)(6)	(b)(6)	24211	User Change
DhsComplaintPartiesInvolved	2013-06-11 16:19	Create	Last Name	(b)(6)	(b)(6)	24211	User Change
DhsComplaintPartiesInvolved	2013-06-11 16:19	Create	Comments	Mr (b)(6) and Mr. (b)(6) were roommates during detention at Stewart Detention Center in Georgia. Mr (b)(6) lists Mr. (b)(6) as an individual who is aware of the incident Mr. (b)(6) alleges			User Change
DhsComplaintPartiesInvolved	2013-06-11 16:19	Create	First Name	(b)(6)	(b)(6)	24211	User Change
	2013-						

DhsComplaintPartiesInvolved	06-11 16:19	Create	Contact Type	Witness		24211	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 06-11 16:20	Create	Last Name	(b)(6)		24212	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 06-11 16:20	Create	Comments	Ms. (b)(6) is Mr. (b)(6) ex-wife. Mr. (b)(6) lists Ms. (b)(6) as an individual who is aware of the incident Mr. (b)(6) alleges		24212	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 06-11 16:20	Create	First Name	(b)(6)		24212	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 06-11 16:20	Create	Email	(b)(6) @gmail.com		24212	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 06-11 16:20	Create	Contact Type	Witness		24212	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 06-11 16:22	Create	Phone	(b)(6)		24213	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 06-11 16:22	Create	Address Line 1	(b)(6)		24213	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 06-11 16:22	Create	Last Name	(b)(6)		24213	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 06-11 16:22	Create	City	Southampton		24213	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 06-11 16:22	Create	Zip Code	SO14 0LN		24213	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 06-11 16:22	Create	Comments	Ms. (b)(6) is Mr. (b)(6) fiancée. She lists her full address as (b)(6) Southampton, Hampshire, UK SO14 0LN		24213	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 06-11 16:22	Create	Middle Name	(b)(6)		24213	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 06-11 16:22	Create	First Name	(b)(6)		24213	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013- 06-11 16:22	Create	Country	United Kingdom		24213	(b)(6)	User Change

DhsComplaintPartiesInvolved	2013-06-11 16:22	Create	Contact Type	On Behalf Of	24213	(b)(6)	User Change
DhsComplaintPartiesInvolved	2013-06-11 16:23	Update	Contact Type	Sender	24213		User Change